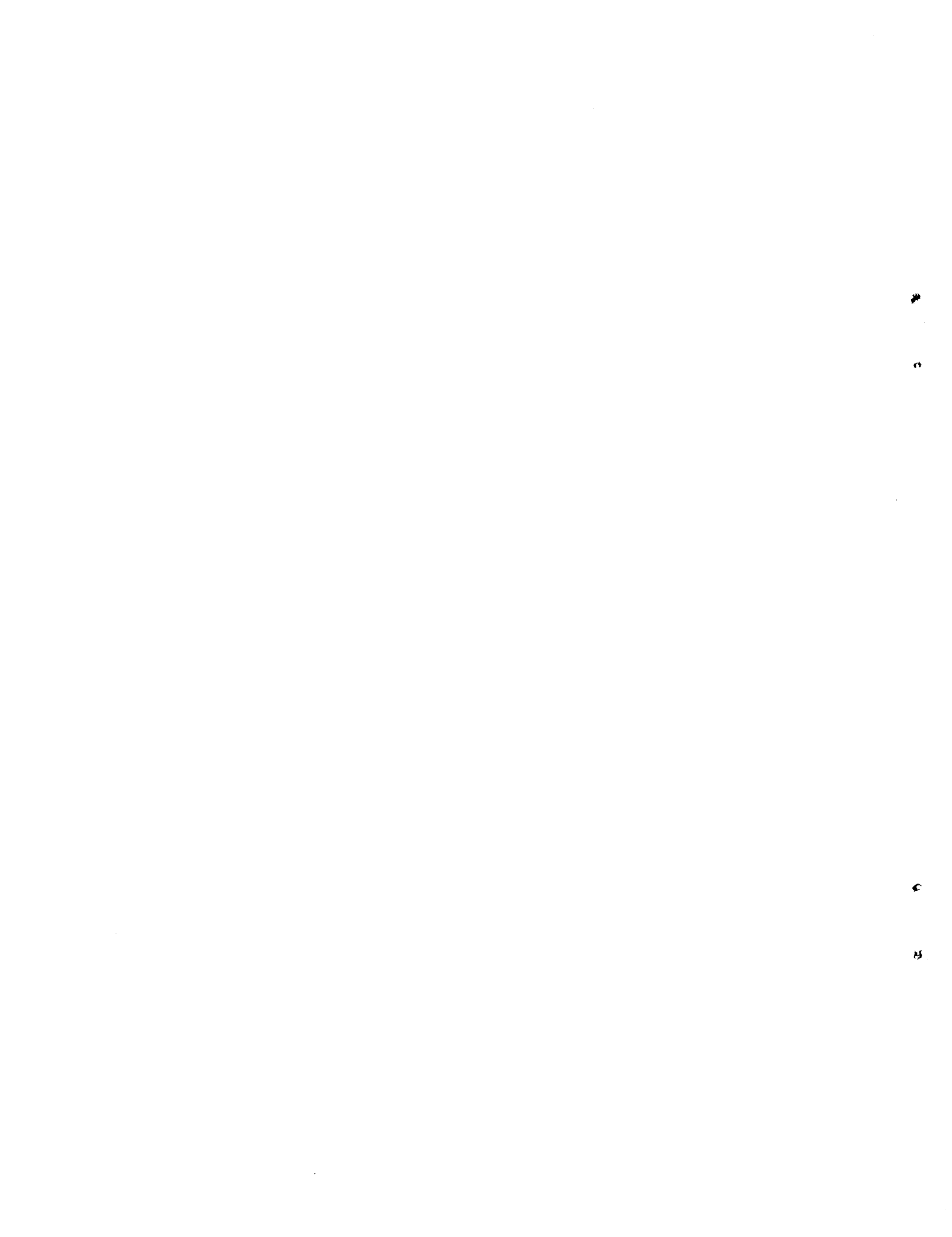


**REPORT OF THE  
EARTHQUAKE COMMISSION**

**RESEARCH MEMORANDUM NO. 452**

**LEGISLATIVE RESEARCH COMMISSION**

**December, 1991**



# **REPORT OF THE EARTHQUAKE COMMISSION**

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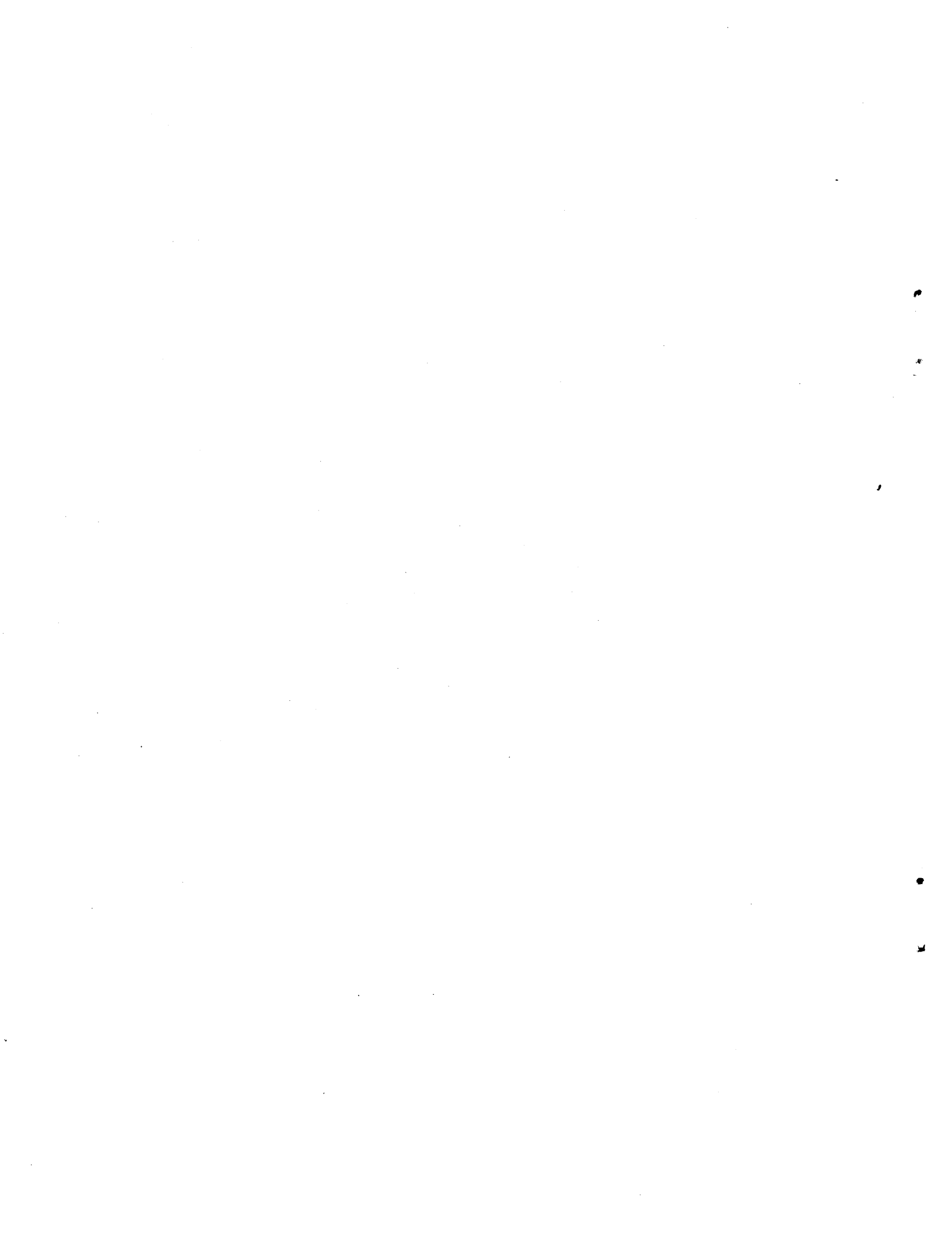
**Representative Clarence Noland**

## **LRC Staff:**

**Mike Benassi, Norman Lawson, Linda Kubala  
and Darlene Turley**

**Research Memorandum No. 452**

**Legislative Research Commission  
December, 1991**



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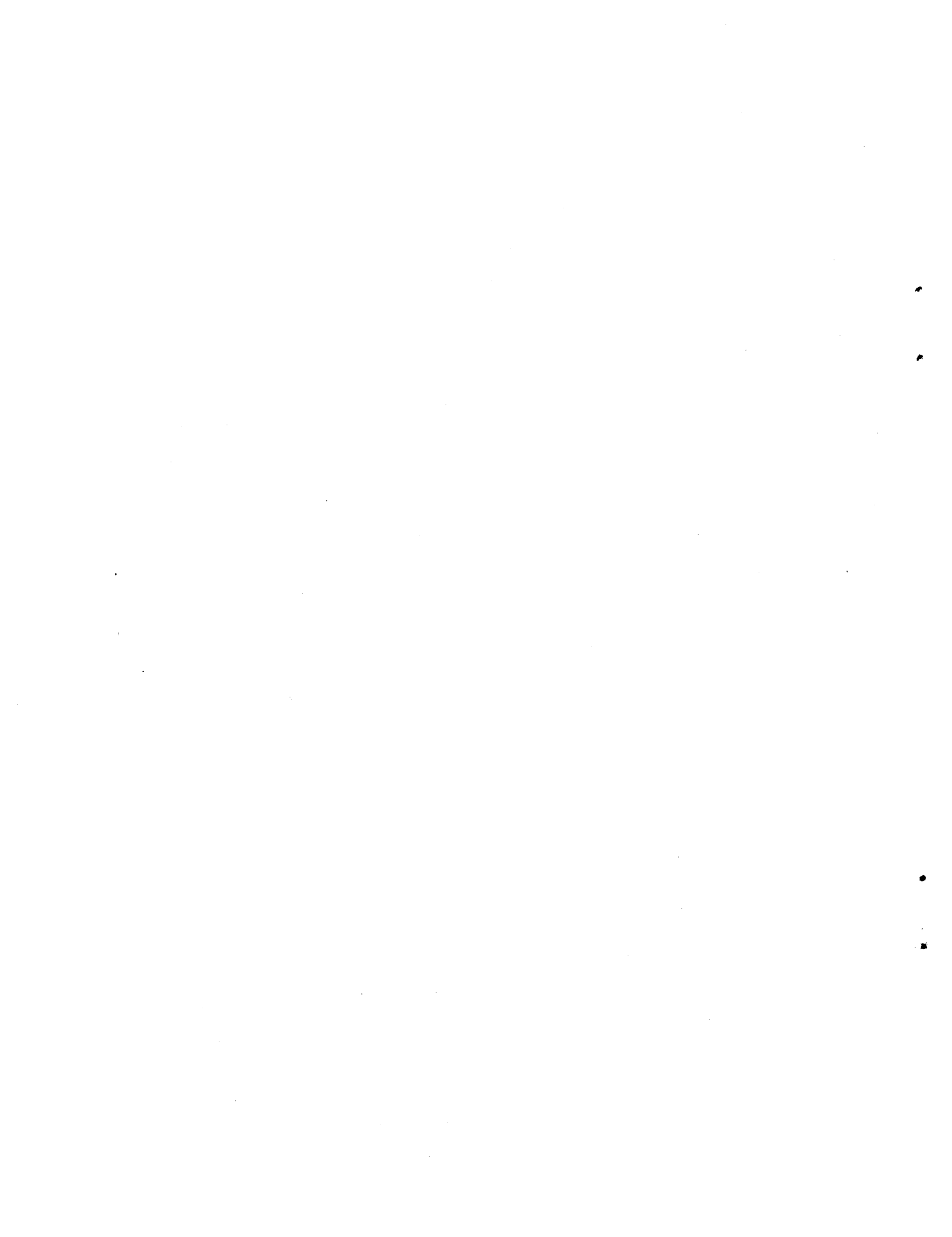
**TO:** Vic Hellard, Jr., Director  
Legislative Research Commission

**FROM:** Mike Benassi

**SUBJECT:** Report

**DATE:** December 20, 1991

The 1990 Kentucky General Assembly created the Earthquake Commission (HR 303, SR 193) and charged it with alerting local officials and the public to earthquake hazards and providing them with earthquake preparedness information. Attached is a report on the Commission's work.



## EARTHQUAKE COMMISSION

COMMISSION JURISDICTION: Conduct informational seminars to disseminate information regarding earthquake hazards, educate children regarding earthquake preparedness, and alert public officials to the need for ordinances and legislation regarding earthquake construction.

### COMMISSION ACTIVITY

The commission conducted three public hearings during the 1990-91 Interim and discussed the following issues: the mission of the Kentucky Geological Survey, the role of the Division of Disaster and Emergency Services during an earthquake, the risk of schools and other public buildings collapsing during an earthquake, the training and planning efforts of public and private groups on the local level in anticipation of natural catastrophes, and the need for greater public awareness of disaster training.

Action taken by the commission included drafting 92 BR 294, which would restructure the Division of Disaster and Emergency Services, give the division department status, and make it responsible to the secretary of the Executive Cabinet.





AN ACT relating to disaster and emergency services.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 SECTION 1. A NEW SECTION OF KRS CHAPTER 17A IS  
2 CREATED TO READ AS FOLLOWS:

3 The General Assembly realizes the Commonwealth is  
4 subject at all times to disaster or emergency occurrences  
5 which can range from serious, localized incidents to  
6 widespread, major, catastrophic events, and that the  
7 response to deal with all such occurrences is the  
8 fundamental and ultimate responsibility of elected  
9 government in this state. In order to ensure that there  
10 exists a statewide integrated emergency management system,  
11 and through it, a comprehensive emergency management  
12 program to adequately mitigate, prepare for, respond to,  
13 and recover from the destruction resulting from fire,  
14 flood, tornado, ice storm, snow storm, wind storm, or  
15 other severe storms; drought, earthquake, and other  
16 natural disasters; riot, enemy attack, sabotage, acts of  
17 terrorism, and other national security emergencies;  
18 explosion, power failure, energy shortages, major utility  
19 system failure, dam failure, landslides,  
20 transportation-related emergencies, hazardous materials or  
21 hazardous substances releases and emergencies.

1 mass-casualty emergencies, other technological or  
2 man-caused disaster or emergencies or other causes; and  
3 the threatened, possible, or impending occurrence of any  
4 of the above; and in order to preserve life and property  
5 of the people of this state and to protect the public  
6 peace, health, and safety; and in order to ensure the  
7 survivability, continuity, and operational effectiveness  
8 of government in this state, it is hereby found and  
9 declared to be necessary:

10 (1) To create a Department of Disaster and Emergency  
11 Services as the emergency management agency of state  
12 government and to authorize and mandate the creation of  
13 local emergency management agencies in the counties,  
14 urban-county governments, and cities of the state:

15 (2) To confer upon the Governor and the county  
16 judge/executives of the counties and the mayors of the  
17 cities and urban-county governments of the state the  
18 emergency powers provided in this chapter:

19 (3) To provide for the rendering of mutual aid among  
20 the counties, urban-county governments, and cities of the  
21 state, with other states, and with the federal government  
22 with respect to the performance of emergency response  
23 functions; and

24 (4) To authorize the establishment of organizations  
25 and the taking of steps necessary and appropriate to carry  
26 out the provisions of this chapter.

1 SECTION 2. A NEW SECTION OF KRS CHAPTER 17A IS  
2 CREATED TO READ AS FOLLOWS:

3 As used in this chapter, unless the context requires  
4 otherwise:

5 (1) "Commissioner" means the commissioner of the  
6 Department of Disaster and Emergency Services.

7 (2) "Comprehensive emergency management" means all  
8 actions or activities taken to mitigate, prepare for,  
9 respond to, or recover from any disaster or emergency as  
10 contemplated in Section 1 of this Act or as defined in  
11 this section.

12 (3) "Coordination" means having and exercising  
13 primary executive oversight authority for the purpose of  
14 managing and controlling.

15 (4) "Declared emergency" means any incident or  
16 situation declared as such by executive order of the  
17 Governor or a county judge/executive, or a mayor of this  
18 state or their representative designated in writing,  
19 pursuant to the provisions of this chapter:

20 (5) "Department" means the Department of Disaster  
21 and Emergency Services;

22 (6) "Disaster" means any incident or situation  
23 declared as such by executive order of the Governor, a  
24 county judge/executive or mayor of this state,  
25 representatives designated in writing pursuant to the  
26 provisions of this chapter, or the President of the United

1 States pursuant to federal law:

2 (7) "Disaster and emergency response" means the  
3 carrying out of all emergency functions, other than  
4 war-related functions for which military forces are  
5 primarily responsible, to include, without limitation,  
6 command and control; communications; fire protection  
7 services; police services; medical and health services;  
8 ambulance service; rescue; search and rescue; engineering;  
9 alerting and warning services; resource management; public  
10 works services; radiological, chemical, or other hazardous  
11 materials monitoring; containment, decontamination, and  
12 neutralization; evacuation of persons; emergency welfare  
13 services; emergency transportation; plant protection;  
14 temporary restoration of public utility services;  
15 emergency lighting and power services; emergency public  
16 information; response planning; and other functions  
17 related to effective reaction to a disaster or emergency  
18 situation, together with all other activities necessary or  
19 incidental to the preparation for and carrying out of the  
20 foregoing functions:

21 (8) "Emergency" means any incident or situation  
22 which poses the threat of or results in loss of life,  
23 injury, or damage to people, property, or the environment  
24 and requires a commitment of resources in response thereto;

25 (9) "Integrated emergency management system" means  
26 the organizational, administrative, and operational

1 strategy designed and used to develop, execute, and  
2 maintain the comprehensive emergency management program of  
3 the state;

4 (10) "Local emergency management agency" means the  
5 local emergency management office and local disaster and  
6 emergency services organization created and established  
7 pursuant to this chapter.

8 (11) "Local emergency manager" means the executive  
9 head of the local emergency management office and director  
10 of the local disaster and emergency services organization  
11 appointed in accordance with the provisions of this  
12 chapter;

13 (12) "Search and rescue" means the acts of searching  
14 for, rescuing, or recovering by means of ground, marine,  
15 or air activity any person who becomes lost, injured, or  
16 is killed while outdoors or as a result of a natural or  
17 man-made disaster, including instances involving searches  
18 for downed aircraft when ground personnel are used.  
19 Nothing in this section shall affect appropriate activity  
20 by the Department of Mines and Minerals relating to mine  
21 rescue.

22 (13) "State emergency management agency" means the  
23 Department of Disaster and Emergency Services.

24 SECTION 3. A NEW SECTION OF KRS CHAPTER 17A IS  
25 CREATED TO READ AS FOLLOWS:

26 (1) There shall be created a Department of Disaster

1 and Emergency Services headed by a commissioner appointed  
2 by the Governor. The General Assembly recognizes that the  
3 scope and nature of the work involved in developing,  
4 administering, and maintaining an adequate and effective  
5 statewide comprehensive emergency management system in the  
6 Commonwealth requires the full support, cooperation, and  
7 active participation of all program cabinets, departments,  
8 and agencies of this state and local elected officials. To  
9 ensure the proper integration and coordination of all  
10 program activities and for other administrative purposes,  
11 the Department of Disaster and Emergency Services shall be  
12 attached to the Office of the Secretary of the Executive  
13 Cabinet.

14 (2) The commissioner of the department shall be  
15 responsible to the Governor and serve the Governor and the  
16 secretary of the Executive Cabinet.

17 (3) Appropriations shall be made from the general  
18 fund to meet the estimated costs of administering the  
19 provisions of this chapter.

20 (4) The department is authorized and directed to  
21 accept on behalf of the state any grant, contribution, or  
22 fund, federal or otherwise, made to assist in meeting the  
23 cost of carrying out the purposes of this chapter, and to  
24 fully comply with all funding requirements imposed by the  
25 receipt and use of the grant, contribution, or fund.

26 (5) There is established within the department the

1 following divisions, each of which shall be headed by a  
2 director appointed by the commissioner, subject to the  
3 prior approval of the Governor, pursuant to KRS 12.050:

4 (a) The Division of Mitigation and Preparedness  
5 which shall be responsible for, but not limited to, the  
6 administration of the state mitigation program; the  
7 development, review, evaluation, and maintenance of state  
8 and local disaster and emergency response plans;  
9 administration of all federal civil defense program  
10 requirements; planning support services to the P.L. 99-499  
11 Title III program; administration of the state earthquake  
12 preparedness program; administration of the exercise  
13 assistance program; and administration of the training and  
14 education program;

15 (b) The Division of Response and Recovery which  
16 shall be responsible for, but not limited to, the  
17 development, operation, and maintenance of the state  
18 emergency operations center facility; the emergency  
19 telecommunications and data-processing systems of the  
20 department; the IFLOWS system and other alerting and  
21 warning systems; coordination of emergency response  
22 activities and field operations in the state;  
23 administration of public and individual assistance  
24 programs of the federal government, pursuant to P.L.  
25 93-288, as amended;

26 (c) The Division of Administrative and Legal

1 Services which shall be responsible for, but not limited  
 2 to, the administration of all personnel, financial, and  
 3 legal support matters of the department; administration of  
 4 program contractual services; and the provision of  
 5 adequate support services to all administrative bodies  
 6 attached to the department, pursuant to Section 4 of this  
 7 Act;

8 (d) The Division of Field Services which shall be  
 9 responsible for, but not limited to, supervising and  
 10 providing administrative support to fourteen (14) area  
 11 field offices of the department established to administer  
 12 the policies, plans, and programs of the department in  
 13 specific geographic regions of the state.

14 SECTION 4. A NEW SECTION OF KRS CHAPTER 17A IS  
 15 CREATED TO READ AS FOLLOWS:

16 The following administrative bodies shall be attached  
 17 to the department for administrative purposes:

18 (1) Governor's Earthquake Hazards and Safety  
 19 Technical Advisory Panel;

20 (2) Kentucky Emergency Response Commission; and

21 (3) State Emergency Management Coordinating Council.

22 SECTION 5. A NEW SECTION OF KRS CHAPTER 17A IS  
 23 CREATED TO READ AS FOLLOWS:

24 (1) The department shall coordinate for the Governor  
 25 all matters pertaining to comprehensive emergency  
 26 management and the disaster and emergency response of this



1 state. It shall be the agency of state government having  
2 primary responsibility and authority for the planning and  
3 execution of disaster and emergency mitigation,  
4 preparedness, response, and recovery for the Commonwealth;  
5 for coordination of all disaster and emergency response by  
6 and between all state agencies and all political  
7 subdivisions of the Commonwealth; for providing liaison  
8 with related agencies of the federal government and other  
9 states; for providing liaison with concerned private  
10 agencies dealing with disaster and emergency response; for  
11 coordination of all recovery operations subsequent to  
12 disasters and emergencies; and for coordination of all  
13 public information activities regarding state government  
14 response operations.

15 (2) The department shall have and exercise the  
16 following powers and duties, including but not limited to:

17 (a) The development of a statewide integrated  
18 emergency management system in the Commonwealth, and  
19 through it, to prepare, execute, direct, and maintain a  
20 comprehensive emergency management program for the  
21 disaster and emergency response of this state, which shall  
22 be coordinated with the emergency management programs of  
23 the federal government and of other states to the fullest  
24 appropriate extent; and the supervision and coordination  
25 of the development, implementation, and maintenance of  
26 comprehensive emergency management programs of

1 urban-county governments, counties, and cities of this  
2 state, all of which shall be integrated into and  
3 coordinated with the emergency management program of this  
4 state to the fullest possible extent:

5 (b) The development and maintenance of a  
6 comprehensive disaster and emergency response plan  
7 entitled "Kentucky Emergency Operations Plan," the  
8 provisions of which shall set forth the policies,  
9 procedures, and guidelines for the coordination of all  
10 disaster and emergency response in the Commonwealth. The  
11 Kentucky Emergency Operations Plan, and all revisions  
12 thereto, shall be submitted by the commissioner of the  
13 department to the Governor for approval and promulgation  
14 by administrative regulation, a copy thereof to be filed  
15 with the Legislative Research Commission. The Kentucky  
16 Emergency Operations Plan shall be the legal standard of  
17 care for the coordination of all disaster and emergency  
18 response in this state and shall be applicable to all  
19 state government agencies, local governments, and all  
20 other political subdivisions of the Commonwealth:

21 (c) The identification, occupancy (without charge),  
22 and maintenance of all first floor space in the State  
23 Emergency Operations Center building, Boone Center, as the  
24 administrative office headquarters of the department, and  
25 the establishment, equipment, and maintenance therein, at  
26 a high state of readiness and security at all times, a

1 federally-approved emergency operations center facility  
2 which shall serve as the twenty-four (24) hour state  
3 government command center from which the Governor, cabinet  
4 secretaries, department heads, and other state agency  
5 officials can, at any time, adequately and effectively  
6 direct and control the disaster and emergency response of  
7 this state:

8 (d) The development and monitoring, on a twenty-four  
9 (24) hour per day basis, the necessary alerting and  
10 warning systems, telecommunications systems, radio  
11 networks, computer, or other information networks to  
12 interface with all necessary and appropriate state,  
13 federal, or local disaster and emergency response  
14 agencies, and other appropriate interests, and through  
15 such systems the receipt of timely notification of and  
16 continual assessment of disaster or emergency situations  
17 occurring anywhere in the state and the notification of  
18 the Governor immediately in the event of any major  
19 occurrences, or the threatened or impending occurrence of  
20 any such events or circumstances pertaining thereto, and  
21 to keep the Governor informed of all actions being taken  
22 in response to such events and recommend in such notice  
23 all actions or emergency powers which the Governor should  
24 thereupon execute:

25 (e) Response to the scenes of disasters or  
26 emergencies, or impending threat of same, to immediately

1 investigate, analyze, and assess the seriousness of such  
2 situations, establish incident command, utilizing the  
3 National Interagency Incident Management System, and  
4 coordinate the disaster and emergency response of this  
5 state:

6 (f) The establishment of area field offices of the  
7 department, each office to be headed by an area  
8 coordinator responsible for administering the duties,  
9 policies, plans, and programs of the department in  
10 specific geographic areas of the state, including the  
11 supervision of comprehensive emergency management programs  
12 developed by the local government jurisdictions of the  
13 state:

14 (g) The provision of funds for the development,  
15 administration, and maintenance of comprehensive emergency  
16 management programs established by local disaster and  
17 emergency services organizations of this state created  
18 pursuant to, and administered in accordance with, the  
19 provisions of this chapter and all administrative  
20 regulations pertaining thereto:

21 (h) Require program elements, activities, actions,  
22 reports, or documents from local emergency management  
23 offices and local disaster and emergency services  
24 organizations necessary to insure adequate local program  
25 development and local program compatibility or consistency  
26 with the state program and to insure compliance with all

1 program funding requirements:

2 (i) Sponsor and develop mutual aid plans and  
3 agreements among the cities, counties, urban-counties,  
4 charter counties, or other political subdivisions of the  
5 state, and with other states:

6 (j) The promulgation of administrative regulations  
7 to carry out the provisions of this chapter.

8 SECTION 6. A NEW SECTION OF KRS CHAPTER 17A IS  
9 CREATED TO READ AS FOLLOWS:

10 (1) The Governor shall appoint the commissioner of  
11 the department, who shall be a graduate of an accredited  
12 college or university, have at least five (5) years of  
13 emergency management experience, and dedicate his  
14 full-time service as head of the department.

15 (2) The commissioner shall execute a bond in the sum  
16 of ten thousand dollars (\$10,000).

17 (3) The commissioner shall maintain the same  
18 inservice training requirement as a local director  
19 pursuant to Section 36 of this Act.

20 SECTION 7. A NEW SECTION OF KRS CHAPTER 17A IS  
21 CREATED TO READ AS FOLLOWS:

22 The commissioner shall carry out the provisions of  
23 this chapter and shall perform the following duties:

24 (1) To represent the Governor on all matters  
25 pertaining to comprehensive emergency management and the  
26 disaster and emergency response of this state;

1       (2) To develop a statewide integrated emergency  
2 management system, and through such, to prepare,  
3 implement, and maintain the comprehensive emergency  
4 management program for the disaster and emergency response  
5 of this state;

6       (3) To integrate the emergency management program of  
7 this state with the emergency management or other  
8 emergency response-related programs of the federal  
9 government and of other states to the fullest possible  
10 extent; and to supervise and coordinate the preparation  
11 and maintenance of emergency management programs by  
12 urban-county governments, counties, and cities and any  
13 other political subdivisions of this state, all such  
14 programs to be integrated into and coordinated with the  
15 emergency management program of this state to the fullest  
16 possible extent;

17       (4) To advise the Governor immediately in the event  
18 of occurrence of any disaster or emergency, or the  
19 threatened or impending occurrence of such, and recommend  
20 to the Governor any emergency powers the Governor should  
21 thereupon execute;

22       (5) To serve as chief advisor and special assistant  
23 to the Governor in the event of occurrence of any disaster  
24 or emergency, or the threatened or impending occurrence of  
25 such, and coordinate for the Governor, the execution of  
26 all disaster and emergency response in this state;

1       (6) To serve as the Governor's primary liaison with  
2 local officials in the event of occurrence of any disaster  
3 or emergency, or the threatened or impending occurrence of  
4 such, in the cities, urban-counties, and counties of this  
5 state;

6       (7) To be the chief executive officer of the  
7 department and direct and supervise all department heads;

8       (8) To be the chairman of the Kentucky Emergency  
9 Response Commission;

10       (9) To provide, under the provisions of KRS 45.360,  
11 motor vehicles, radio and telecommunications equipment,  
12 protective clothing, safety equipment, and other necessary  
13 supplies and materials to meet the emergency response and  
14 administrative needs of departmental personnel;

15       (10) To identify deficiencies existing in the  
16 emergency management program infrastructure of this state,  
17 including but not limited to: state, regional, and local  
18 emergency operations centers; mobile emergency operations  
19 centers; emergency telecommunications and computer  
20 systems; alerting and warning systems, stockpiles of  
21 critical resources; or any other infrastructure elements,  
22 and thereupon prepare an annual report to the Governor  
23 outlining actions needed to adequately correct the  
24 deficiencies;

25       (11) To recommend to the Governor for consideration  
26 by the state planning committee or other appropriate

1 funding authority, long-range capital construction or  
2 improvement projects needed to meet the emergency  
3 management infrastructure needs of the state;

4 (12) To ascertain the requirements of the state and  
5 of the counties and cities thereof for food, clothing, or  
6 other necessities of life in the event of disaster or  
7 emergency; to plan for and procure supplies, medicines,  
8 materials, and equipment; and to use and employ from time  
9 to time any of the property, services, and resources  
10 within the state, for the purposes set forth in this  
11 chapter;

12 (13) To institute training programs and public  
13 information programs, and to take all other preparatory  
14 steps, including the partial or full mobilization of  
15 disaster and emergency response organizations in advance  
16 of actual disaster, to insure the furnishing of adequately  
17 trained and equipped forces of disaster and emergency  
18 response personnel in time of need;

19 (14) To cooperate with the President of the United  
20 States, the chiefs of the armed forces, and the Federal  
21 Emergency Management Agency of the United States, and  
22 officers and agencies of other states in matters  
23 pertaining to the comprehensive emergency management  
24 program of the state and nation; and in connection  
25 therewith, to take any measures which he may deem proper  
26 to carry into effect any request of the President and the



1 appropriate federal officers and agencies, for any action  
2 requiring disaster and emergency response, including the  
3 direction or control of blackouts and practice blackouts;  
4 mobilization of disaster and emergency response forces;  
5 other tests and exercises, warnings, and signals for  
6 drills or attacks and the mechanical devices to be used in  
7 connection therewith; the effective screening or  
8 extinguishing of all lights, lighting devices, and  
9 appliances; the shutting off of water mains, gas mains,  
10 electric power connections, and the suspension of all  
11 other utility services; the conduct of civilians and the  
12 movement and cessation of movement of pedestrians and  
13 vehicular traffic during, prior, and subsequent to drills  
14 or disaster; public meetings or gatherings; and the  
15 evacuation and reception of the civilian population:

16 (15) To take action and give directions to state and  
17 local law enforcement officers and all agencies involved  
18 in disaster and emergency response in this state, as may  
19 be reasonable and necessary, for the purpose of securing  
20 compliance with the provisions of this chapter, and with  
21 any emergency operations plans, orders, and administrative  
22 regulations made pursuant thereto;

23 (16) To employ measures and give directions to the  
24 state or local boards of health as may be reasonably  
25 necessary for the purpose of securing compliance with the  
26 provision of this chapter, or with the findings or

1 recommendations of the boards of health by reason of  
2 conditions arising from disasters, emergency situations,  
3 enemy attack, or the threat thereof:

4 (17) To utilize the services and facilities of  
5 existing officers and agencies of the state and of all the  
6 political subdivisions and special districts thereof. All  
7 such officers and agencies shall cooperate with and extend  
8 their services and facilities to the commissioner as he  
9 may request:

10 (18) To establish agencies and offices and to  
11 appoint executive, managerial, technical, legal, clerical,  
12 and other personnel necessary to carry out the provisions  
13 of this chapter:

14 (19) To delegate any authority vested in him under  
15 this chapter and to provide for the subdelegation of any  
16 such authority:

17 (20) On behalf of this state, with the approval of  
18 the Governor or act of the General Assembly, to enter into  
19 reciprocal aid agreements or compacts with other states  
20 and the federal government, either on a statewide basis;  
21 local, county, or city basis; or with a neighboring state  
22 or province of a foreign country. The mutual aid  
23 agreements shall be limited to the furnishing or exchange  
24 of food, clothing, medicine, and other supplies;  
25 engineering services; emergency housing; police services;  
26 national or state guards while under the control of the

1 state, health, medical, and related services; fire  
2 fighting; rescue; search and rescue; transportation, and  
3 construction services and equipment; personnel necessary  
4 to provide or conduct these services, and other supplies,  
5 equipment, facilities, personnel, and services as may be  
6 needed, the reimbursement of costs and expenses for  
7 equipment, supplies, personnel, and similar items for  
8 mobile support units, fire fighting, and police units and  
9 health units; and on the terms and conditions as are  
10 deemed necessary;

11 (21) To sponsor and develop mutual aid plans and  
12 agreements among the urban-county governments, counties,  
13 cities, and other political subdivisions and special  
14 districts of the state, similar to the mutual aid  
15 arrangements with other states referred to above.

16 SECTION 8. A NEW SECTION OF KRS CHAPTER 17A IS  
17 CREATED TO READ AS FOLLOWS:

18 (1) There is hereby created the State Emergency  
19 Management Coordinating Council, hereinafter referred to  
20 as the "council," which shall advise and consult with the  
21 commissioner of the Department of Disaster and Emergency  
22 Services with respect to general or basic policy matters  
23 relating to the comprehensive emergency management program  
24 of this state. The council shall consist of the  
25 commissioner of the department, who shall be chairman, and  
26 a representative of each cabinet of state government and

1 of each independent agency of the Governor's general  
2 cabinet. The council shall be attached to the department  
3 for administrative purposes and shall meet at least  
4 quarterly. Each cabinet secretary or the head of each  
5 independent agency of state government shall appoint and  
6 designate to the commissioner an agency representative,  
7 and alternates, to serve on the council.

8 (2) In addition to the duties the commissioner may  
9 prescribe, the council members shall have the following  
10 duties:

11 (a) To assist the department in developing and  
12 maintaining the Kentucky Emergency Operations Plan,  
13 required pursuant to Section 3 of this Act, and to insure  
14 that its content is compatible with the policies and legal  
15 requirements under which each respective agency of state  
16 government is required to operate;

17 (b) To insure that all agency personnel, including  
18 the field offices and field personnel of their respective  
19 agencies, receive adequate information, indoctrination,  
20 and training to carry out proficiently agency missions and  
21 tasks as provided in the Kentucky Emergency Operations  
22 Plan, and cooperate with and actively support training and  
23 exercise initiatives sponsored by the department and its  
24 field offices; and

25 (c) To serve as the disaster and emergency services  
26 coordinator for their respective agencies, and as such,

1 operate from the state emergency operations center when  
2 requested and assist the commissioner of the Department of  
3 Disaster and Emergency Services in coordinating the  
4 emergency response operations of their respective agency.

5 SECTION 9. A NEW SECTION OF KRS CHAPTER 17A IS  
6 CREATED TO READ AS FOLLOWS:

7 The Governor shall have the authority to make, amend,  
8 and rescind the necessary executive orders to carry out  
9 the provisions of this chapter.

10 SECTION 10. A NEW SECTION OF KRS CHAPTER 17A IS  
11 CREATED TO READ AS FOLLOWS:

12 (1) In the event of occurrence or threatened or  
13 impending occurrence of any of the situations or events  
14 contemplated by Section 1 or 2 of this Act, the Governor  
15 may declare that a state of emergency exists. The Governor  
16 shall have and may exercise for the period as the state of  
17 emergency exists or continues, the following emergency  
18 powers:

19 (a) To enforce all laws, rules, and regulations  
20 relating to disaster and emergency response and to assume  
21 direct operational control of all disaster and emergency  
22 response forces and helpers in the state;

23 (b) To seize, take, or condemn property for the  
24 protection of the public or at the request of the  
25 President, the armed forces or the Federal Emergency  
26 Management Agency of the United States, including:

1        1. All means of transportation and communication;

2        2. All stocks of fuel of whatever nature;

3        3. Food, clothing, equipment, materials, medicines,  
4        and all supplies; and

5        4. Facilities, including buildings and plants;

6        (c) To sell, lend, give, or distribute all or any  
7        such property among the inhabitants of the state and to  
8        account to the State Treasurer for any funds received for  
9        the property;

10       (d) To make compensation for the property so seized,  
11       taken, or condemned;

12       (e) To exclude all nonessential personnel from the  
13       scene of the emergency, and to command persons or groups  
14       assembled at the scene to disperse;

15       (f) To declare curfews and establish the limits of  
16       same;

17       (g) To prohibit or limit the sale or consumption of  
18       goods or commodities for the duration of the emergency;

19       (h) To perform and exercise other functions, powers,  
20       and duties deemed necessary to promote and secure the  
21       safety and protection of the civilian population.

22       (2) In the event of occurrence or threatened or  
23       impending occurrence of any of the situations or events  
24       contemplated by KRS 39.400 or 39.401, the county  
25       judge/executive of a county other than an urban-county  
26       government, mayor of an urban-county government, or mayor

1 of a city, or their designees, as provided by ordinance of  
2 the affected county, city, or urban-county, may declare  
3 that a state of emergency exists, and thereafter shall  
4 have and may exercise for the period as the state of  
5 emergency exists or continues, the following emergency  
6 powers:

7 (a) To enforce all laws and regulations relating to  
8 disaster and emergency response and to direct all local  
9 disaster and emergency response forces in the affected  
10 county, city, or urban-county:

11 (b) To exclude all nonessential personnel from the  
12 scene of the emergency, and to command persons or groups  
13 of persons at the scene to disperse:

14 (c) To declare curfews and establish the limits of  
15 same:

16 (d) To order immediate purchase or rental of,  
17 contract for, or otherwise procure, without regard to  
18 procurement codes or budget requirements, the goods and  
19 services essential for protection of public health and  
20 safety or to maintain or to restore essential public  
21 services:

22 (e) To request emergency assistance from any local  
23 government or special district and, through the Governor,  
24 to request emergency assistance from any state agency and  
25 to initiate requests for federal assistance as found  
26 necessary for protection of public health and safety or

1 for continuation of essential public services.

2 SECTION 11. A NEW SECTION OF KRS CHAPTER 17A IS  
3 CREATED TO READ AS FOLLOWS:

4 If property is taken for temporary use, pursuant to  
5 the provisions of this chapter, the Governor shall, within  
6 thirty (30) days of the taking, fix the amount of  
7 compensation to be paid therefor. If the property is  
8 returned to the owner in a damaged condition or is not  
9 returned to the owner, the Governor shall, within thirty  
10 (30) days after the taking, fix the amount of compensation  
11 to be paid for the damage or failure to return. When the  
12 Governor deems it advisable for the state to take title to  
13 property taken under this section, the owner shall be  
14 notified in writing by certified mail, return receipt  
15 requested, and a copy of the notice shall be filed with  
16 the Secretary of State.

17 SECTION 12. A NEW SECTION OF KRS CHAPTER 17A IS  
18 CREATED TO READ AS FOLLOWS:

19 If the owner of any property seized, taken, or  
20 condemned pursuant to Section 10 of this Act refuses to  
21 accept as adequate the compensation fixed by the Governor,  
22 he may present a claim to the Board of Claims, which shall  
23 hear and determine it according to the provisions of KRS  
24 Chapter 44 and the regulations of the board. The  
25 provisions of KRS 44.070(2) shall not apply to claims  
26 presented pursuant to this chapter.



1 SECTION 13. A NEW SECTION OF KRS CHAPTER 17A IS  
2 CREATED TO READ AS FOLLOWS:

3 (1) The owner of property seized, taken, or  
4 condemned may appeal from the award of the Board of Claims  
5 to the Circuit Court of the county of his residence. The  
6 Rules of Civil Procedure shall, so far as applicable,  
7 govern the procedure on appeal but the action shall be  
8 tried according to the practice prescribed for the trial  
9 of jury cases.

10 (2) An appeal from the judgment may be taken to the  
11 Court of Appeals.

12 SECTION 14. A NEW SECTION OF KRS CHAPTER 17A IS  
13 CREATED TO READ AS FOLLOWS:

14 (1) If the owner of property seized, taken or  
15 condemned accepts as adequate the compensation fixed by  
16 the Governor, he shall file a statement of the amount of  
17 compensation from the Governor with the Finance and  
18 Administration Cabinet, which shall draw a warrant on the  
19 State Treasurer for the amount of the compensation in  
20 favor of the person entitled to payment.

21 (2) If the compensation is determined by award of  
22 the Board of Claims or judgment of a court, as provided in  
23 Section 12 or 13 of this Act, a certified copy of the  
24 award or judgment shall be filed with the Finance and  
25 Administration Cabinet which shall draw a warrant on the  
26 State Treasurer for the amount of the award or judgment.

1       (3) The State Treasurer shall pay the warrants out  
2 of any money in the Treasury not otherwise appropriated.

3       SECTION 15. A NEW SECTION OF KRS CHAPTER 17A IS  
4 CREATED TO READ AS FOLLOWS:

5       (1) The director of each local or areawide  
6 organization for disaster and emergency services may  
7 develop or cause to be developed mutual aid arrangements  
8 with other public and private agencies within this state  
9 for reciprocal disaster and emergency response aid and  
10 assistance in case of disaster or other emergency too  
11 great to be dealt with unassisted. Counties,  
12 urban-counties, and cities may confer or authorize the  
13 conferring upon members of the auxiliary police the powers  
14 of peace officers, subject to the provisions of KRS 61.300  
15 and such restrictions as shall be imposed. The  
16 arrangements shall be consistent with the state or  
17 areawide disaster and emergency response plan and program;  
18 and, in time of emergency, it shall be the duty of each  
19 local organization for disaster and emergency response to  
20 render assistance in accordance with the provisions of the  
21 mutual aid arrangements.

22       (2) The director of each local or areawide  
23 organization for disaster and emergency response may  
24 assist in negotiation of reciprocal mutual aid agreements  
25 between the Governor and the adjoining states, including  
26 foreign states or provinces, or political subdivisions

1 thereof, and shall carry out arrangements or any agreement  
2 relating to the local and political subdivision.

3 SECTION 16. A NEW SECTION OF KRS CHAPTER 17A IS  
4 CREATED TO READ AS FOLLOWS:

5 (1) Each city, county, urban-county, or charter  
6 county government of this state shall create, support, and  
7 maintain a local emergency management office which shall  
8 serve jointly the public safety interests of all units of  
9 local government within the territorial boundaries of the  
10 county where office is created. The local emergency  
11 management office in each county of this state shall  
12 establish a local disaster and emergency services  
13 organization in accordance with an emergency response plan  
14 to be developed in accordance with the further provisions  
15 of this chapter. The local emergency management office and  
16 the local disaster and emergency services organization  
17 shall be an integral part of the integrated emergency  
18 management system of this state, and shall fully comply  
19 with all applicable provisions of this chapter, the  
20 comprehensive emergency management program of the state,  
21 and all administrative regulations promulgated by the  
22 Department of Disaster Services.

23 (2) Counties, urban-county, or charter county  
24 governments, and cities may, in lieu of providing separate  
25 disaster and emergency response plans or programs, join in  
26 and adopt an areawide plan or program provided the program:

1       (a) Meets the criteria of the state disaster and  
2 emergency response plan;

3       (b) Is consummated pursuant to KRS Chapter 147A or  
4 the Interlocal Cooperation Act; and

5       (c) Is provided with sufficient manpower, equipment,  
6 and funding by each contracting party or the state  
7 planning committee to assure high quality planning and  
8 service to all of the parties.

9       (3) All local, regional, or multijurisdictional  
10 organizations for disaster and emergency response shall  
11 comply with all applicable portions of the state disaster  
12 and emergency response plan.

13       (4) All local, regional, or multijurisdictional  
14 organizations for disaster and emergency response, and the  
15 directors and members of each, shall, for all purposes, be  
16 under the direction and jurisdiction of the commissioner  
17 of the department and of the Governor whenever the latter  
18 shall deem such action necessary.

19       SECTION 17. A NEW SECTION OF KRS CHAPTER 17A IS  
20 CREATED TO READ AS FOLLOWS:

21       (1) The county judge/executive of each county and  
22 the chief executive of each city or urban-county or  
23 charter county government thereof shall appoint a local  
24 emergency manager who shall have direct responsibility for  
25 the organization, administration, and operation of the  
26 local office of emergency management and the local

1 disaster and emergency services organization, subject to  
2 the direction and control of the appointing authority and  
3 oversight of the department of disaster and emergency  
4 services.

5 (2) A local emergency manager appointed under the  
6 provisions of subsection (1) of this section shall serve  
7 at the pleasure of the appointing authority, but shall  
8 serve not longer than four (4) years without reappointment.

9 (a) The local emergency manager shall be a high  
10 school graduate with an additional three (3) years of  
11 experience in business administration, industrial or  
12 commercial planning, safety, management of emergency  
13 services, or related community or governmental service.  
14 Management level experience may be substituted for  
15 education on a year-for-year basis.

16 (b) The local emergency manager shall be a resident  
17 of the Commonwealth of Kentucky.

18 (c) The local emergency manager shall hold no  
19 partisan elective office.

20 (d) The local emergency manager shall be routinely  
21 available to respond to emergency scenes, command posts,  
22 or operations centers to coordinate emergency response of  
23 public and private agencies and organizations, to attend  
24 training, or to attend meetings convened by the appointing  
25 authority or the disaster and emergency services area  
26 coordinator.

1       1. If the local emergency manager is also a  
2 full-time or part-time employee of the federal or state  
3 government, he shall have written authorization from the  
4 appropriate appointing authority to hold the position of  
5 local emergency manager and to comply with the provisions  
6 of paragraph (d) of this subsection.

7       2. If the local emergency manager is also a  
8 full-time or part-time employee of county, city,  
9 urban-county, or charter county government in another  
10 capacity, that government shall enact an order or  
11 ordinance specifying that he will routinely be available  
12 to respond to emergencies, attend training, and to attend  
13 meetings convened by the disaster and emergency services  
14 area coordinator. The order or ordinance shall also  
15 specify that the individual, when acting as local  
16 emergency manager, shall relinquish authorities and  
17 responsibilities associated with his other governmental  
18 employment and shall name a person to assume those  
19 authorities and responsibilities until such time as the  
20 local emergency manager shall cease to function as local  
21 emergency manager. The county, city, urban-county, or  
22 metropolitan government shall not seek reimbursement for  
23 the local emergency manager's salary for any time spent in  
24 another capacity.

25       3. If the local emergency manager is also a  
26 full-time or part-time employee in the private sector, he

1 shall have a letter from his employer stating that he  
2 shall, without penalty, be permitted to comply with the  
3 provisions of paragraph (d) of this subsection.

4 4. If the local emergency manager is self-employed,  
5 he shall certify, by letter, that his schedule shall  
6 permit him to comply with the provisions of paragraph (d)  
7 of this subsection.

8 (3) A local emergency manager whose salary has been  
9 reimbursed by the Division of Disaster and Emergency  
10 Services prior to January 1, 1988, shall not be subject to  
11 the provisions of subsection (6)(a) of this section, so  
12 long as he remains continuously in that position in the  
13 jurisdiction which appointed him.

14 (4) A local disaster and emergency services  
15 organization which qualifies for financial reimbursement  
16 from the state division of disaster and emergency services  
17 and which pays a salary to a local emergency manager  
18 appointed under the provisions of subsection (1) of this  
19 section shall be reimbursed at a rate of not more than  
20 fifty percent (50%) of the total salary and benefits if  
21 funds are available and if all of the criteria specified  
22 by administrative regulation are met.

23 (5) If, at any time, the commissioner of the  
24 department determines that a local emergency manager does  
25 not comply with the eligibility requirements of this  
26 section, he shall notify that local emergency manager of

1 his intent to terminate financial reimbursement for his  
2 salary. The local emergency manager shall have ten (10)  
3 working days to come into compliance or to provide  
4 information to the executive director to justify continued  
5 funding. If the executive director continues to determine  
6 that the local director does not meet eligibility  
7 requirements, he shall terminate reimbursement. The  
8 commissioner may appeal the decision to the commissioner  
9 within thirty (30) calendar days from the date of that  
10 decision. Within ten (10) working days the commissioner  
11 shall render a decision. A local director aggrieved by a  
12 decision of the commissioner may appeal to the Franklin  
13 Circuit Court within twenty (20) days of the receipt of  
14 the commissioner's decision. The court's review shall be  
15 from the record and shall not be de novo.

16 (6) A local emergency manager whose salary is  
17 reimbursed in part or in full by the Division of Disaster  
18 and Emergency Services shall also meet all requirements  
19 which may be imposed by the Federal Emergency Management  
20 Agency or its successor.

21 (7) In lieu of appointing separate local emergency  
22 managers, counties, urban-counties, charter counties, and  
23 cities may jointly appoint a local emergency manager who  
24 meets the requirements of subsections (1) and (4) of this  
25 section. The local emergency manager shall manage the  
26 disaster and emergency services programs of the



1 jurisdictions which appointed him.

2 SECTION 18. A NEW SECTION OF KRS CHAPTER 17A IS  
3 CREATED TO READ AS FOLLOWS:

4 In performing his duties, the local emergency manager  
5 shall have the following powers and duties:

6 (1) To represent the county judge/executive or mayor  
7 on all matters pertaining to the comprehensive emergency  
8 management program and disaster and emergency response of  
9 the county or urban-county and the cities therein:

10 (2) To be the executive head of the local emergency  
11 management office and the director of the local disaster  
12 and emergency services organization, and coordinate for  
13 the county judge/executive or mayor the preparation,  
14 execution, and maintenance of the comprehensive emergency  
15 management program of the county or urban-county and all  
16 the cities therein:

17 (3) To develop and maintain a comprehensive disaster  
18 and emergency response plan entitled "County Emergency  
19 Operations Plan," the provisions of which shall legally  
20 establish the local disaster and emergency services  
21 organization and set forth the policies, procedures, and  
22 guidelines for the coordination of all disaster and  
23 emergency response in the county and all the cities  
24 therein. The County Emergency Operations Plan, and all  
25 revisions thereto, shall be submitted by the local  
26 emergency manager to the Department of Disaster and

1 Emergency Services in draft form for approval by the  
2 commissioner. Upon receiving the approval of the  
3 commissioner, the plan shall be returned to the local  
4 emergency manager for final local approval and adoption.  
5 The County Emergency Operations Plan shall be officially  
6 adopted by the county and the cities therein through  
7 passage of local ordinances. The County Emergency  
8 Operations Plan shall be the legal standard of care for  
9 the coordination of all disaster and emergency response in  
10 the county and the cities therein, and shall be applicable  
11 to all local response agencies and officials;

12 (4) To advise the county judge/executive or mayor  
13 and the Commissioner of the Department of Disaster and  
14 Emergency Services immediately in the event of occurrence  
15 of any major disaster or emergency, or the threatened or  
16 impending occurrence of such, and recommend any emergency  
17 powers which should be executed;

18 (5) To serve as chief advisor to the county  
19 judge/executive or mayor in the event of occurrence of any  
20 disaster or emergency;

21 (6) To respond immediately to the scenes of any  
22 disaster or emergency to investigate, analyze, and assess  
23 the seriousness of all situations; establish incident  
24 command; and coordinate the disaster and emergency  
25 response of all local public and private agencies or have  
26 an assistant do so;

1       (7) To act as a representative of the department in  
2 emergency situations when specifically directed by the  
3 commissioner;

4       (8) To report directly to the county judge/executive  
5 or mayor in carrying out the duties of local emergency  
6 manager;

7       (9) To prepare and submit monthly a program activity  
8 and financial status report to the local chief executives  
9 and the fiscal courts/city commissions;

10       (10) To execute bond in the amount determined by the  
11 appointing authorities;

12       (11) To establish and chair a local emergency  
13 management coordinating council;

14       (12) To serve as chairman of the local emergency  
15 planning committee;

16       (13) Annually, by the first day of March, to prepare  
17 and submit a program budget request to the county/judge  
18 executive and mayor;

19       (14) Annually, by the fifteenth day of July, to  
20 prepare and submit to the department a fiscal year program  
21 paper and budget;

22       (15) To perform all administrative tasks required  
23 pursuant to the provisions of this chapter and  
24 administrative regulations pertaining thereto; and

25       (16) Carry out all other duties as required by local  
26 court orders or ordinances.

1 SECTION 19. A NEW SECTION OF KRS CHAPTER 17A IS  
2 CREATED TO READ AS FOLLOWS:

3 (1) The local office of emergency management and the  
4 local disaster and emergency services organization shall  
5 in joint combination comprise the local emergency  
6 management agency of local government and shall serve as a  
7 function of the office of county judge/executive or mayor.  
8 In accordance with the policies of the state-local finance  
9 officer, all financial matters of the local emergency  
10 management agency shall be handled through the county  
11 treasury and system of accounts.

12 (2) The local disaster and emergency services  
13 organization of each county in this state shall be  
14 established pursuant to the provisions of this chapter and  
15 shall be comprised of the following members and  
16 participants:

17 (a) The county judge/executive and mayor:

18 (b) Elected legislative officials of the county and  
19 cities:

20 (c) The local emergency manager who shall be the  
21 director:

22 (d) The local disaster and emergency services deputy  
23 director or other staff assistants to the local director:

24 (e) All regular or volunteer departments of local  
25 government:

26 (f) All districts, corporations, agencies, groups,

1 or political subdivisions of the state and special  
 2 districts within the county or the cities thereof, which  
 3 are organized under the laws of the Commonwealth to  
 4 provide an emergency service or related function in the  
 5 interest of public safety; and

6 (g) All private sector personnel, agencies, or  
 7 individuals and citizens who agree to provide their  
 8 assets, resources, talents, services, or supplies in aid  
 9 to disaster and emergency response in accordance with the  
 10 approved emergency operations plans of the local disaster  
 11 and emergency services organization.

12 SECTION 20. A NEW SECTION OF KRS CHAPTER 17A IS  
 13 CREATED TO READ AS FOLLOWS:

14 Each county, urban-county government, and city may:

15 (1) Through the county judge/executive of a county  
 16 other than an urban-county government, mayor of an  
 17 urban-county government, or mayor of a city, or their  
 18 designees as provided by ordinance, ~~to~~ declare a state of  
 19 emergency when required to provide for adequate and  
 20 appropriate response to any occurrence or situation or any  
 21 impending event or situation resulting from any of the  
 22 situations or events contemplated by Sections 1 or 2 of  
 23 this Act.

24 (2) Appropriate and expend funds, make contracts,  
 25 obtain and distribute equipment, materials, and supplies  
 26 for disaster and emergency response purposes; provide for

1 the health and safety of persons and property, including  
2 emergency assistance to the victims of any disaster or  
3 emergency; and to direct and coordinate the development of  
4 disaster and emergency plans and programs in accordance  
5 with the policies and plans prescribed by the federal and  
6 state disaster and emergency response agencies;

7 (3) Appoint, employ, remove, or provide, with or  
8 without compensation, rescue teams, auxiliary fire and  
9 police personnel, and other disaster and emergency  
10 response workers;

11 (4) Establish a primary and one (1) or more  
12 secondary control centers to serve as command posts during  
13 an emergency;

14 (5) Subject to the order of the Governor, or the  
15 chief executive of the county, urban-county government, or  
16 city, to assign and make available for duty, the  
17 employees, property, or equipment of the county or city  
18 relating to firefighting, engineering, rescue, health,  
19 medical and related services, police, transportation,  
20 construction, and similar items or services for disaster  
21 and emergency response purposes and within or outside of  
22 the physical limits of the county, urban-county  
23 government, or city;

24 (6) In the event of enemy attack or state of  
25 declared emergency or declared disaster as provided in  
26 Section 10 of this Act, to waive procedures and

1 formalities otherwise required by the law pertaining to:  
2 the performance of public work; entering into contracts;  
3 the incurring of obligations; the employment of permanent  
4 and temporary workers; the utilization of volunteer  
5 workers; the rental of equipment; the purchase and  
6 distribution, with or without compensation, of supplies,  
7 materials, and facilities; and the appropriation and  
8 expenditure of public funds.

9 SECTION 21. A NEW SECTION OF KRS CHAPTER 17A IS  
10 CREATED TO READ AS FOLLOWS:

11 When the employees of any county, urban-county,  
12 charter county, or city are rendering outside aid pursuant  
13 to the authority contained in this chapter hereof, the  
14 employees shall have the same powers, duties, rights,  
15 privileges, and immunities as if they were performing  
16 their duties in the jurisdiction in which they are  
17 normally employed.

18 SECTION 22. A NEW SECTION OF KRS CHAPTER 17A IS  
19 CREATED TO READ AS FOLLOWS:

20 (1) The city, urban-county, charter county  
21 government, or county in which any equipment is used  
22 pursuant to this chapter shall be liable for any loss or  
23 damage thereto and shall pay any expense incurred in the  
24 operation and maintenance thereof. No claim for loss,  
25 damage, or expense shall be allowed unless, within sixty  
26 (60) days after it is sustained or incurred, an itemized

1 notice of the claim under oath is served by mail or  
2 otherwise upon the chief fiscal officer of such county or  
3 city where the equipment was used. The county,  
4 urban-county, charter county government, or city which is  
5 aided pursuant to KRS 39.415 shall also reimburse the  
6 county or city furnishing the aid for the compensation  
7 paid to employees furnished under this chapter during the  
8 time of the rendition of the aid and shall defray the  
9 actual traveling and maintenance expenses of the employees  
10 while they are rendering the aid. Reimbursement shall  
11 include any amounts paid or due for compensation due to  
12 personal injury or death while employees are engaged in  
13 rendering aid. The term "employee" as used in this section  
14 shall mean, and the provisions of this section shall apply  
15 with equal effect to, paid, volunteer, auxiliary  
16 employees, and disaster and emergency response workers.

17 (2) The foregoing rights, privileges, and  
18 obligations shall also apply if aid is rendered outside  
19 the state. Payment or reimbursement in such case shall or  
20 may be made by the state or political subdivision  
21 receiving the aid pursuant to a reciprocal mutual aid  
22 agreement or compact with another state or by the federal  
23 government.

24 SECTION 23. A NEW SECTION OF KRS CHAPTER 17A IS  
25 CREATED TO READ AS FOLLOWS:

26 (1) State and local emergency management plans shall



1 include and the Governor, for the state or portion  
2 thereof, the county judge/executive, for a county other  
3 than an urban-county, or a portion thereof, and the mayor,  
4 for a city or an urban-county or portion thereof, and  
5 their designees in writing, may issue executive orders  
6 providing for:

7 (a) The control of traffic in order to provide for  
8 the rapid and safe movement in evacuation over public  
9 highways and streets during any disaster or emergency;

10 (b) The control and alteration of speed limits and  
11 traffic regulations on public highways during any disaster  
12 or emergency;

13 (c) The prohibition or limitation of use of motor  
14 vehicles on public highways during any disaster or  
15 emergency.

16 (2) The Governor may extend the provisions of  
17 subsection (1) of this section to the public thoroughfares  
18 of any political subdivision of the Commonwealth.

19 (3) The Governor may order agencies of state  
20 government and political subdivisions of the Commonwealth  
21 to take steps necessary to effectuate plans made or orders  
22 issued pursuant to this section.

23 (4) During a declared emergency or disaster the  
24 Governor, county judge/executive, mayor, or their  
25 designees in writing, may place the plans in effect.

26 SECTION 24. A NEW SECTION OF KRS CHAPTER 17A IS

1       CREATED TO READ AS FOLLOWS:

2           For the purpose of making surveys and investigations  
3 and obtaining information which may be necessary to the  
4 operation or enforcement of this chapter, the Governor may  
5 compel by subpoena the attendance of witnesses, and the  
6 production of books, papers, records, and documents of  
7 individuals, firms, associations, and corporations. All  
8 officers, boards, commissions, and departments of the  
9 state, the political subdivisions thereof, and special  
10 districts, having information with respect thereto, shall  
11 cooperate with and assist him in making the investigation  
12 and surveys.

13           SECTION 25. A NEW SECTION OF KRS CHAPTER 17A IS  
14       CREATED TO READ AS FOLLOWS:

15           (1) Notwithstanding any inconsistent provision of  
16 law, the Governor may, when he deems it to be in the  
17 public interest:

18           (a) Authorize any department or agency of the state  
19 to lease or lend, on such terms and conditions as he may  
20 deem necessary to promote the public welfare and protect  
21 the interests of the state, any real or personal property  
22 of the state government to the President of the United  
23 States, the chiefs of the armed forces, or to the Federal  
24 Emergency Management Agency;

25           (b) Enter into a contract on behalf of the state for  
26 the lease or loan to any political subdivision of the

1 state on such terms and conditions as he may deem  
2 necessary to promote the public welfare and protect the  
3 interests of the state, of any real or personal property  
4 of the state government, or the temporary transfer or  
5 employment of personnel of the state government to or by  
6 any political subdivision of the state.

7 (c) Permit state employees to engage in disaster and  
8 emergency response activities either for state disaster  
9 and emergency services or upon request of a local disaster  
10 and emergency services agency to the department. State  
11 employees assigned to or volunteering for the duty shall  
12 be considered as being employed by the agency by which  
13 they are regularly employed and shall continue to receive  
14 salary and benefits while engaging in disaster and  
15 emergency services work.

16 (2) The permission of the Governor for the use of  
17 state employees in the manner specified in subsection  
18 (1)(c) shall be presumed and shall be automatic unless the  
19 Governor specifies otherwise with regard to the use of a  
20 specific employee or employees.

21 (3) The Chief Justice for the Court of Justice and  
22 the Director of the Legislative Research Commission, with  
23 regard to employees of their respective departments of  
24 government, shall have the authority to permit Court of  
25 Justice and legislative department employees to engage in  
26 disaster and emergency services work under the same terms

1 and conditions as specified in subsections (1) and (2) of  
2 this section.

3 SECTION 26. A NEW SECTION OF KRS CHAPTER 17A IS  
4 CREATED TO READ AS FOLLOWS:

5 The chief executive or governing body of each  
6 political subdivision of the state may as authorized in  
7 Section 25 of this Act:

8 (1) Enter into a contract or lease with the state,  
9 or accept any loan, or employ personnel, and the political  
10 subdivision may equip, maintain, utilize, and operate any  
11 property and employ necessary personnel therefor in  
12 accordance with the purposes for which the contract is  
13 executed:

14 (2) Do all things and perform any and all acts which  
15 he may deem necessary to effectuate the purpose for which  
16 the contract was entered into in accordance with the  
17 Kentucky Emergency Operations Plan.

18 SECTION 27. A NEW SECTION OF KRS CHAPTER 17A IS  
19 CREATED TO READ AS FOLLOWS:

20 (1) The political subdivisions of the state and  
21 other agencies designated or appointed by the Governor are  
22 authorized and empowered to make, amend, and rescind  
23 orders and administrative regulations necessary for  
24 disaster and emergency response purposes and to supplement  
25 the carrying out of the provisions of this chapter, but  
26 not inconsistent with any orders or administrative

1 regulations promulgated by the Governor or by any state  
2 agency exercising a power delegated to it by him.

3 (2) All orders and administrative regulations  
4 promulgated by the Governor, the director, or by any  
5 political subdivision or other agency authorized by this  
6 chapter to make orders and administrative regulations,  
7 shall have the full force and effect of law, when, if  
8 issued by the Governor, the director, or any state agency,  
9 a copy thereof is filed with the Legislative Research  
10 Commission, or, if promulgated by a political subdivision  
11 of the state or agency thereof, when filed in the office  
12 of the clerk of the political subdivision or agency  
13 promulgating the same. All existing laws, ordinances, and  
14 administrative regulations inconsistent with the  
15 provisions of this chapter, or of any order or  
16 administrative regulation issued under the authority of  
17 this chapter, shall be suspended during the period of time  
18 and to the extent that the conflict exists.

19 (3) The law enforcement authorities of the state and  
20 of the counties, urban-counties, charter counties, and  
21 cities thereof shall enforce the orders and administrative  
22 regulations issued pursuant to this chapter.

23 SECTION 28. A NEW SECTION OF KRS CHAPTER 17A IS  
24 CREATED TO READ AS FOLLOWS:

25 A peace officer may arrest without a warrant any  
26 person violating or attempting to violate in the officer's

1 presence any order or administrative regulation made  
2 pursuant to this chapter.

3 SECTION 29. A NEW SECTION OF KRS CHAPTER 17A IS  
4 CREATED TO READ AS FOLLOWS:

5 When the federal government or any agency or officer  
6 thereof shall offer to the state, or through the state to  
7 any political subdivision thereof, services, equipment,  
8 supplies, materials, or funds by way of gift, grant, or  
9 loan, for purposes of disaster and emergency response, the  
10 state, acting through the Governor, or the political  
11 subdivision, acting through its chief executive or  
12 governing body, may accept the offer and upon acceptance  
13 the Governor of the state or chief executive or governing  
14 body of the political subdivision may authorize any  
15 officer of the state or of the political subdivision, as  
16 the case may be, to receive the services, equipment,  
17 supplies, materials, or funds on behalf of the state or  
18 such political subdivision, and subject to the terms of  
19 the offer.

20 SECTION 30. A NEW SECTION OF KRS CHAPTER 17A IS  
21 CREATED TO READ AS FOLLOWS:

22 No organization for disaster and emergency service  
23 established under the authority of this chapter shall  
24 participate in any form of political activity, and it  
25 shall not be employed directly or indirectly for political  
26 purposes.

1 SECTION 31. A NEW SECTION OF KRS CHAPTER 17A IS  
2 CREATED TO READ AS FOLLOWS:

3 No person shall be employed or associated in any  
4 capacity in any disaster and emergency services  
5 organization established under this chapter who advocates  
6 a change by force or violence in the constitutional form  
7 of the government of the United States or in this state or  
8 the overthrow of any government in the United States by  
9 force or violence, or who has been convicted of or is  
10 under indictment or information charging any subversive  
11 act against the United States. Each person who is  
12 appointed to serve in an organization for disaster and  
13 emergency response shall, before entering upon his duties,  
14 take an oath, in writing, before a person authorized to  
15 administer oaths in this state, which oath shall be  
16 substantially as follows:

17 "I, . . . ., do solemnly swear (or affirm) that I will  
18 support and defend the Constitution of the United States  
19 and the Constitution of the State of Kentucky, against all  
20 enemies, foreign and domestic; that I will bear true faith  
21 and allegiance to the same; that I take this obligation  
22 freely, without any mental reservation or purpose of  
23 evasion; and that I will well and faithfully discharge the  
24 duties upon which I am about to enter.

25 "And I do further swear (or affirm) that I do not  
26 advocate, nor am I a member of any political party or

1 organization that advocates, the overthrow of the  
2 government of the United States or of the state by force  
3 or violence; and that during the time as I am a member of  
4 the (name of disaster and emergency response organization)  
5 I will not advocate nor become a member of any political  
6 party or organization that advocates the overthrow of the  
7 government of the United States or of this state by force  
8 or violence."

9 SECTION 32. A NEW SECTION OF KRS CHAPTER 17A IS  
10 CREATED TO READ AS FOLLOWS:

11 (1) Neither the state nor any political subdivision  
12 of the state, nor the agents or representatives of the  
13 state or any political subdivision thereof, shall be  
14 liable for personal injury or property damage sustained by  
15 any person appointed or acting as a volunteer disaster and  
16 emergency services or disaster and emergency response  
17 worker, or member of any agency engaged in disaster and  
18 emergency services or disaster and emergency response  
19 activity. This immunity shall not affect the right of any  
20 person to receive benefits or compensation to which he  
21 might otherwise be entitled under the Workers'  
22 Compensation Law or this chapter or any pension law or any  
23 act of Congress.

24 (2) Neither the state nor any political subdivision  
25 of the state nor, except in cases of willful misconduct,  
26 gross negligence, or bad faith, the employees, agents, or



1 representatives of the state or any political subdivision  
2 thereof, nor any volunteer or auxiliary disaster and  
3 emergency services or disaster and emergency response  
4 worker or member of any agency engaged in any disaster and  
5 emergency services or disaster and emergency response  
6 activity, complying with or reasonably attempting to  
7 comply with this chapter or any order or administrative  
8 regulation promulgated pursuant to the provisions of this  
9 chapter, or other precautionary measures enacted by any  
10 city of the state, shall be liable for the death of or  
11 injury to persons, or for damage to property, as a result  
12 of any such activity.

13 (3) Any person owning or controlling real estate or  
14 other premises who voluntarily and without compensation  
15 grants a license or privilege, or otherwise permits the  
16 designation or use of the whole or any part or parts of  
17 such real estate or premises for the purpose of sheltering  
18 persons during an actual, impending, mock, or practice  
19 disaster or emergency, together with his successors in  
20 interest, if any, shall not be civilly liable for  
21 negligently causing the death of, or injury to, any person  
22 on or about such real estate or premises for loss of, or  
23 damage to, the property of such person.

24 SECTION 33. A NEW SECTION OF KRS CHAPTER 17A IS  
25 CREATED TO READ AS FOLLOWS:

26 In order to develop and maintain effective local

1 disaster and emergency preparedness programs and  
2 concomitant activities, it is declared to be the policy of  
3 the Commonwealth of Kentucky to encourage and assist the  
4 political subdivisions of the Commonwealth by authorizing,  
5 and there is hereby authorized, the expenditure of  
6 supplementary state funds for local, regional, and  
7 multijurisdictional disaster and emergency services  
8 organizations which are a part of and affiliated with the  
9 department.

10 SECTION 34. A NEW SECTION OF KRS CHAPTER 17A IS  
11 CREATED TO READ AS FOLLOWS:

12 Supplementary state funds appropriated to the  
13 department shall be allocated by the division to local,  
14 regional, and multijurisdictional disaster and emergency  
15 services organizations on a reimbursement basis in amounts  
16 not to exceed fifty percent (50%) of the total local,  
17 regional or multijurisdictional moneys expended by the  
18 local, regional or multijurisdictional organization in any  
19 given year for the institution or support of disaster and  
20 emergency preparedness programs.

21 SECTION 35. A NEW SECTION OF KRS CHAPTER 17A IS  
22 CREATED TO READ AS FOLLOWS:

23 The purpose of the supplementary state fund  
24 established in Section 33 of this Act is to:

25 (1) Assist local disaster and emergency service  
26 organizations established pursuant to this chapter to

1 develop adequate emergency response capabilities;

2 (2) Maintain and improve existing organizations  
3 through enhanced training, planning, staffing, and  
4 equipment acquisition; and

5 (3) Benefit the state as a whole, through creation  
6 of a better prepared network of emergency response  
7 organizations.

8 SECTION 36. A NEW SECTION OF KRS CHAPTER 17A IS  
9 CREATED TO READ AS FOLLOWS:

10 (1) The commissioner of the Department of Disaster  
11 and Emergency Services, shall have overall responsibility  
12 for policy, guidance, administration, and proper  
13 utilization of the supplementary fund established in  
14 Section 33 of this Act.

15 (2) The commissioner shall serve as the principal  
16 liaison between the department and local officials  
17 participating in programs affected by this fund.

18 (3) The commissioner shall appoint an advisory  
19 committee consisting of seven (7) members, including no  
20 more than four (4) employees of the staff of the  
21 department, to assist him in making initial funding  
22 allocations each fiscal year and in making quarterly  
23 adjustments, based upon program and financial reviews. The  
24 members of the committee shall serve at the pleasure of  
25 the commissioner, but for no more than four (4) years  
26 without reappointment, and shall serve without

1 reimbursement, except when funded through the emergency  
2 management assistance programs. The decisions of the  
3 committees shall be advisory only and not binding upon the  
4 commissioner.

5 (4) The commissioner, with the advice of the  
6 advisory committee, shall make determinations related to  
7 fund allocations.

8 (5) Disaster and emergency services area  
9 coordinators shall fully explain program opportunities and  
10 requirements to local elected officials and local  
11 emergency managers, review budget and program submissions,  
12 and make recommendations to the commissioner.

13 (6) Funds pursuant to Section 33 of this Act, funds  
14 shall be made available to not more than one (1) disaster  
15 and emergency services organization per county, regional,  
16 or multijurisdictional unit, on a reimbursement basis up  
17 to fifty percent (50%) of the total local, regional, or  
18 multijurisdictional funds expended in any given year by  
19 the local, regional, or multijurisdictional disaster and  
20 emergency services organization created pursuant to this  
21 chapter.

22 SECTION 37. A NEW SECTION OF KRS CHAPTER 17A IS  
23 CREATED TO READ AS FOLLOWS:

24 The local emergency management office created  
25 pursuant to this chapter shall meet the following criteria:

26 (1) The local emergency management office shall have

1 a qualified local emergency manager who is capable of  
2 performing during an emergency, devoting time to  
3 administrative matters, and available to participate in  
4 federal and state training programs. Unless he has already  
5 completed an introductory emergency management course or  
6 is determined by the executive director to be suitably  
7 qualified, during the first year of participation in the  
8 funding program, the local emergency manager, whether  
9 servng on a voluntary or paid basis, shall have  
10 successfully completed all correspondence courses  
11 specified by the department, by administrative regulation.  
12 He shall also participate in an emergency management  
13 workshop when offered. Unless he has already completed an  
14 introductory emergency management course or is determined  
15 by the executive director to be suitably qualified, each  
16 local emergency manager shall also attend an introductory  
17 emergency management course when offered.

18 (a) In following years, each local emergency manager  
19 shall attend an emergency management workshop, when  
20 offered.

21 (b) In subsequent years, a local emergency manager  
22 shall continue his education by completing advanced  
23 instruction offered by the department, as required by  
24 administrative regulations promulgated by the department.  
25 The requirements of this section may be met by  
26 successfully completing related courses offered by federal

1 agencies and other organizations.

2 (2) Each local disaster and emergency services  
3 employee, other than the local emergency manager, whose  
4 salary is reimbursed in part by this fund shall attend one  
5 (1) emergency management workshop at least every other  
6 year.

7 (3) The local emergency manager pursuant to this  
8 chapter shall complete a basic emergency operations plan  
9 and appropriate annexes. This plan shall be subject to  
10 final approval by the commissioner of the department. In  
11 subsequent years, the plan and all annexes shall be  
12 reviewed and updated annually.

13 (4) During the second and each subsequent year of  
14 participation in the program, the local emergency  
15 management office shall conduct an exercise to test the  
16 operations plan.

17 (5) Each local emergency management office created  
18 pursuant to this chapter shall have an organized operating  
19 center, from which emergency operations shall be  
20 conducted. This center shall provide resources for the  
21 coordination of all emergency elements of government.

22 (6) Each local emergency management office shall  
23 develop, and submit annually to the department, a program  
24 paper detailing the goals for the next fiscal year. Forms  
25 for this report shall be provided by the department. This  
26 report shall be submitted as part of the budget request.

1       (7) Each employee of a local emergency management  
2 office created pursuant to this chapter with the exception  
3 of the local emergency manager and his deputy, if the  
4 deputy functions in a policymaking capacity, whose salary  
5 is reimbursed in part or in total with these funds shall  
6 meet the standards of the Kentucky merit system or the  
7 standards of the federal Office of Personnel Management or  
8 its successor.

9       (8) In order for a local emergency management office  
10 to be able to participate in the program, one (1) of the  
11 following persons shall attend an annual emergency  
12 management workshop:

13       (a) The county judge/executive;

14       (b) The deputy county judge/executive;

15       (c) The mayor of an urban-county government or the  
16 largest city in the county or the mayor of the city which  
17 is the county seat of the county;

18       (d) The city manager;

19       (e) The local emergency management deputy director;

20       or

21       (f) A member of the fiscal court or urban-county  
22 council of the county.

23       (9) The department shall determine by administrative  
24 regulation:

25       (a) Public officials and disaster and emergency  
26 services related personnel who may be reimbursed for

1 attendance at emergency management workshops or other  
 2 activities; and

3 (b) Reimbursements for attending courses and  
 4 workshops, which shall be limited as follows:

5 1. Reimbursement rates for meals and travel mileage  
 6 shall not exceed those for state employees.

7 2. Reimbursement shall be made for attending the  
 8 workshop or course nearest to the participant's residence.  
 9 A participant may attend a workshop at a greater distance  
 10 if he so chooses but he will be reimbursed for meals and  
 11 mileage equal to that of attending the nearest workshop or  
 12 course. In cases of extreme hardship, the nearest course  
 13 or workshop requirement may be waived by the commissioner.

14 (10) The department shall:

15 (a) Publicize all available state and federal  
 16 emergency management agency training courses to all local  
 17 mayors, county judges/executive, and local emergency  
 18 managers; and

19 (b) Assist local personnel listed in subsection (1)  
 20 of this section in gaining entrance to state and federal  
 21 emergency management agency training courses.

22 SECTION 38. A NEW SECTION OF KRS CHAPTER 17A IS  
 23 CREATED TO READ AS FOLLOWS:

24 (1) Local emergency management offices requesting  
 25 financial aid from the fund created pursuant to Section 33  
 26 of this Act, shall submit, by August 15 of each year, a



1 local "Annual Program Paper" to the Disaster and Emergency  
2 Services area coordinator.

3 (2) The disaster and emergency services area  
4 coordinator shall review the application and accompanying  
5 documents and forward them to the commissioner of the  
6 department along with the area coordinator's  
7 recommendations with regard thereto.

8 (3) The commissioner shall submit the request for  
9 financial aid to the advisory committee for its review and  
10 recommendations. The advisory committee shall review the  
11 application, accompanying documents and recommendation of  
12 the area coordinator and make a recommendation to the  
13 commissioner with regard to the application and the  
14 request for funding.

15 (4) Requests for funding shall be evaluated by the  
16 following criteria:

17 (a) Meeting the eligibility criteria specified in  
18 Section 36 of this Act, unless some aspect thereof has  
19 been waived as provided in Section 40 of this Act;

20 (b) Plans submitted and an assessment of the  
21 capability to achieve them;

22 (c) Past program performance;

23 (d) Historical expenditure records for this and  
24 similar programs; and

25 (e) Local resources committed to the program.

26 (5) If available funds do not meet the total funds

1 requested by all jurisdictions, funding requests may be  
2 reduced after a reevaluation of the criteria set forth in  
3 subsection (4) of this section.

4 (6) The commissioner of the department shall review  
5 and evaluate each request, together with the  
6 recommendations thereon, and, not later than September 15,  
7 designate funds for approved programs and notify the  
8 applicant.

9 SECTION 39. A NEW SECTION OF KRS CHAPTER 17A IS  
10 CREATED TO READ AS FOLLOWS:

11 (1) Within fifteen (15) days of the end of each  
12 month or quarter, the local emergency management office  
13 shall submit a completed claim of reimbursement with  
14 supporting documentation, to the disaster and emergency  
15 services area coordinator. After review, the disaster and  
16 emergency services area coordinator shall forward the  
17 documentation to the department and a reimbursement check  
18 shall be returned to the jurisdiction. Reimbursement shall  
19 be at the predetermined rate.

20 (2) Requests to utilize these funds to purchase  
21 equipment shall be submitted for approval or denial in  
22 advance of the purchase to the commissioner of the  
23 department. To obtain approval, the local emergency  
24 management office shall submit a project application to  
25 the disaster and emergency services area coordinator, who  
26 shall review it and forward it to the commissioner

1 together with the area coordinator's recommendations in  
2 reference thereto. If the application is approved by the  
3 commissioner, the local organization shall be notified of  
4 the approval and, after making the purchase, may submit a  
5 reimbursement claim.

6 SECTION 40. A NEW SECTION OF KRS CHAPTER 17A IS  
7 CREATED TO READ AS FOLLOWS:

8 (1) The performance of each local emergency  
9 management office, regional, or multijurisdictional  
10 disaster and emergency services organization receiving  
11 funding pursuant to Section 33 of this Act shall be  
12 evaluated quarterly as to needs and the achievement of  
13 program goals by the organization. Based upon this  
14 evaluation:

15 (a) Programs which are deficient may have funds  
16 withheld and those funds which have been withheld may be  
17 transferred to other programs or organizations.

18 (b) Programs which meet or exceed their minimum  
19 program goals and have needs for additional funds for  
20 program improvements may be granted additional requested  
21 funds, or portions thereof, for use by the organization in  
22 making the improvements.

23 (2) Program progress shall be reviewed quarterly by  
24 the disaster and emergency services area coordinator of  
25 the area in which the organization is located. The area  
26 coordinator shall make a determination as to whether the

1 organization is making satisfactory progress toward the  
2 achievement of the goals outlined in the program paper.  
3 The area coordinator shall transmit the report to the  
4 commissioner of the department together with his  
5 recommendations thereon.

6 (3) The commissioner shall then review the material  
7 submitted, together with the recommendations thereon, and  
8 submit it to the advisory committee for its evaluation and  
9 recommendations with regard thereto.

10 (4) The advisory committee shall transmit to the  
11 commissioner its assessment of the jurisdiction's progress  
12 and its recommendations with regard thereto. The  
13 commissioner shall review the report and all  
14 recommendations thereon. The commissioner shall then make  
15 a final determination with regard to compliance and  
16 progress and, if a deficiency is found, the measures which  
17 shall be taken to assure compliance.

18 (5) Local jurisdictions determined not to be making  
19 satisfactory progress toward the goals outlined in the  
20 program paper shall be given thirty (30) days to correct  
21 the deficiencies in the manner outlined by the  
22 commissioner.

23 (6) An organization aggrieved by a decision of the  
24 commissioner with regard to noncompliance or deficiencies  
25 may appeal the decision in writing to the commissioner  
26 within thirty (30) working days.

1       (a) With the filing of the appeal, the organization  
2 shall indicate whether or not it is requesting a hearing  
3 on the matter.

4       (b) If a hearing has been requested on the matter,  
5 the commissioner shall set a hearing to be held at the  
6 department offices in Frankfort within fifteen (15) days  
7 of the receipt of the appeal.

8       (c) At the hearing, the local organization, the  
9 department, and other persons and organizations which have  
10 information bearing on the matter may be present. Any  
11 party may be represented by counsel. The hearing shall be  
12 tape recorded.

13       (d) Within fifteen (15) days of the close of the  
14 hearing, or within fifteen (15) days of the date of the  
15 receipt of the appeal if no hearing was requested, the  
16 commissioner shall render a decision in the matter.

17       (7) A local organization remaining aggrieved after  
18 an appeal to the commissioner may appeal the decision to  
19 the Emergency Response Commission within fifteen (15)  
20 days. At this appeal, there shall be no hearing. The  
21 Emergency Response Commission shall review all of the  
22 material presented and the tape recording of the hearing,  
23 if a hearing was held, and shall render a decision thereon  
24 within ten (10) working days.

25       (8) A local organization aggrieved by a decision of  
26 the Emergency Response Commission or his designee may

1 appeal to the Franklin Circuit Court within twenty (20)  
2 days of the receipt of the Emergency Response Commission  
3 decision. The court's review shall be from the record and  
4 shall not be de novo.

5 (9) If a decision has been made by the commissioner  
6 to withhold funding from the jurisdiction, that funding  
7 shall remain withheld during the pendency of any appeals  
8 of the decision.

9 (10) At the end of the thirty (30) day period,  
10 further funding may be withdrawn by the commissioner if  
11 the deficiencies have not been corrected. The funds may  
12 then be reallocated to other organizations.

13 (11) The commissioner, during the review process  
14 outlined in this section, shall also review the  
15 expenditure rate of each organization receiving funds. If  
16 it is determined that an organization will not utilize all  
17 allocated funds, appropriate portions of the allocation  
18 may be withdrawn and reallocated to another organization.

19 SECTION 41. A NEW SECTION OF KRS CHAPTER 17A IS  
20 CREATED TO READ AS FOLLOWS:

21 Requests for the waiver of any requirement of  
22 Sections 34 through 39 of this Act may be submitted with  
23 appropriate justification to the commissioner of the  
24 department. The commissioner may grant waivers only if, in  
25 his opinion, the justification merits special action and  
26 failure to grant the waiver would jeopardize the

1 continuation or development of the local program. In every  
2 case, the commissioner shall insure that the local program  
3 continues to meet the basic intent of KRS Chapter 17A.  
4 Waivers shall apply on a onetime basis relating to a  
5 specific request.

6 SECTION 42. A NEW SECTION OF KRS CHAPTER 17A IS  
7 CREATED TO READ AS FOLLOWS:

8 The department shall administer the supplementary  
9 state funding program authorized in Section 33 of this Act  
10 and shall, by administrative regulations, promulgate and  
11 apply eligibility requirements and standards of  
12 performance to be achieved by any such local, regional, or  
13 multijurisdictional organization. The department may  
14 promulgate other administrative rules and regulations  
15 necessary to carry out the provisions of Section 33 of  
16 this Act.

17 SECTION 43. A NEW SECTION OF KRS CHAPTER 17A IS  
18 CREATED TO READ AS FOLLOWS:

19 (1) There shall be a Unit of Civil Air Patrol in the  
20 department. The unit shall consist of the Kentucky wing of  
21 the Civil Air Patrol and such other units and personnel as  
22 are added by administrative order.

23 (2) The commanding officer of the Kentucky wing of  
24 the Civil Air Patrol shall be ex officio the head of the  
25 unit.

26 SECTION 44. A NEW SECTION OF KRS CHAPTER 17A IS

1 CREATED TO READ AS FOLLOWS:

2 (1) The unit shall perform search and rescue,  
3 emergency, and disaster work within the Commonwealth in  
4 all instances in which aeronautical equipment and  
5 maneuvers might be of assistance.

6 (2) The head may establish facilities for  
7 aeronautical education and training.

8 (3) Officers and members of the civil air patrol  
9 shall be subject to the direction of the state search and  
10 rescue coordinator with regard to search and rescue  
11 operations and training for the operations. Training for  
12 Civil Air Patrol members in search and rescue shall be  
13 integrated into the state search and rescue training  
14 program and shall not be separate from it.

15 SECTION 45. A NEW SECTION OF KRS CHAPTER 17A IS  
16 CREATED TO READ AS FOLLOWS:

17 The commissioner shall coordinate the activities of  
18 the unit with the federal government and any of its  
19 agencies in all matters relating to aeronautical training  
20 and education, communications, rescue work, mercy  
21 missions, aerial observation, establishment of  
22 navigational aids, and other functions within the scope of  
23 activity of the Civil Air Patrol.

24 SECTION 46. A NEW SECTION OF KRS CHAPTER 17A IS  
25 CREATED TO READ AS FOLLOWS:

26 No portion of moneys appropriated for the Unit of the



1 Civil Air Patrol shall be expended without the approval of  
2 the commissioner nor shall they be expended for the  
3 payment of compensation to members of the Civil Air Patrol  
4 or the purchase of uniforms for any member of the Civil  
5 Air Patrol. Expenses eligible for assistance shall include  
6 aircraft acquisition and maintenance, communications  
7 equipment acquisition and maintenance, and office staffing  
8 and operational expenses. The Civil Air Patrol shall  
9 submit vouchers for expenses eligible for assistance to  
10 the department.

11 SECTION 47. A NEW SECTION OF KRS CHAPTER 17A IS  
12 CREATED TO READ AS FOLLOWS:

13 (1) Rescue squads may be formed and duly authorized  
14 to perform in the public interest. Authorization to  
15 operate within a jurisdiction may be granted by the chief  
16 elected official of each urban-county government, county,  
17 or city which the squad proposes to serve. Rescue squads  
18 shall have a formal affiliation with the local emergency  
19 management office.

20 (2) A rescue squad shall be composed of at least  
21 twelve (12) active members and shall maintain at least one  
22 (1) vehicle dedicated to rescue service. Squads may  
23 operate in conjunction with a fire department, or may  
24 operate as a separate unit.

25 (3) Each squad shall develop and maintain bylaws and  
26 written procedures to specify, as a minimum, election or

1 appointment, succession, and term of officers; financial  
2 accounting; property accountability; and rules of  
3 notification and response to emergencies.

4 (4) Rescue squads shall contribute to public safety  
5 and welfare by performing functions which may include but  
6 not be limited to: removal of victims trapped in vehicles  
7 or structures; search for lost or missing persons, except  
8 those sought for criminal acts; first aid; emergency  
9 evacuation; recovery of drowning victims; recovery of any  
10 corpse if not accessible by ambulance or hearse and if so  
11 authorized by the coroner; traffic control at an accident  
12 scene when requested by law enforcement authorities;  
13 providing assistance in the containment of spilled  
14 hazardous materials, when sufficient equipment and trained  
15 personnel are available to the rescue squad. Rescue squads  
16 shall not engage in law enforcement activities other than  
17 traffic control.

18 (5) The department shall administer funds  
19 appropriated for rescue equipment and training and shall  
20 promulgate administrative regulations to be applied to all  
21 rescue squads that apply for financial assistance.

22 (6) The term "rescue squad" shall mean any  
23 organization which engages in the search for lost persons,  
24 rescue of persons who are trapped or who are in need of  
25 rescue services, search for and recovery of drowned  
26 persons, or any other rescue related activity. "Rescue

1 squad" shall not include the rescue of persons from a fire  
2 by a fire department, the extrication of persons from a  
3 vehicle, or other activities which an emergency medical  
4 technician, emergency medical technician first responder,  
5 or paramedic is authorized to perform pursuant to  
6 applicable statutes and administrative regulations if the  
7 activities are performed by a person for an ambulance  
8 service or in the role of a first responder. If these  
9 activities are performed other than as a first responder  
10 or in the role of an ambulance service and are involved in  
11 rescue operations, they come within the purview of  
12 activities of a rescue squad.

13 SECTION 48. A NEW SECTION OF KRS CHAPTER 17A IS  
14 CREATED TO READ AS FOLLOWS:

15 (1) A rescue squad which proposes to provide  
16 regional or statewide specialized rescue services may  
17 apply to the commissioner for an alternative affiliation  
18 agreement and alternative vehicle and equipment  
19 requirements in lieu of those specified in Section 51 of  
20 this Act under the following terms and conditions:

21 (a) The rescue squad meets all of the requirements  
22 specified in Section 51 of this Act except for a local  
23 affiliation agreement, vehicle dedicated solely to rescue  
24 service, or possession of basic rescue equipment.

25 (b) The commissioner accepts, in writing, that the  
26 rescue squad will provide a needed rescue service either

1 on a regional or statewide basis.

2 (c) The rescue squad and the commissioner execute an  
3 affiliation agreement containing the same information  
4 required in Section 51 of this Act for a local affiliation  
5 agreement.

6 (d) The rescue squad maintains specialized rescue  
7 equipment appropriate to its mission as specified in the  
8 affiliation agreement or an annex thereto.

9 (e) The requirement for a vehicle dedicated solely  
10 to rescue service may be waived, in writing, by the  
11 commissioner if he finds that having a specific vehicle  
12 may be inappropriate to the mission of the rescue squad  
13 and that the rescue squad has adequate means of  
14 transportation enabling it to respond in an efficient  
15 manner.

16 (2) Agreements specified in subsection (1) shall be  
17 renewed annually.

18 (3) Rescue squads participating in the alternative  
19 program specified in this section shall be eligible to  
20 participate in rescue grant funding, state sponsored  
21 worker's compensation, training, and other programs of the  
22 division.

23 (4) Rescue squads operating under an agreement  
24 pursuant to this section may respond in any county covered  
25 by the agreement, or statewide if the agreement permits.  
26 Rescue squads covered under an agreement pursuant to this

1 section may respond in counties not covered by the  
2 agreement either by request of the rescue squad or public  
3 officials in that county or upon request of the  
4 commissioner or his designee.

5 SECTION 49. A NEW SECTION OF KRS CHAPTER 17A IS  
6 CREATED TO READ AS FOLLOWS:

7 The Rescue Aid Program, which is administered  
8 pursuant to Section 47 of this Act and appropriations in  
9 the state budget, is designed to:

10 (1) Reduce and prevent the loss of life by creating  
11 a better equipped, trained, and coordinated rescue force  
12 throughout the Commonwealth;

13 (2) Upgrade the capabilities of local rescue squads  
14 by providing financial assistance to be used to purchase  
15 equipment and obtain training; and

16 (3) Encourage the development of rescue squads where  
17 none exist.

18 SECTION 50. A NEW SECTION OF KRS CHAPTER 17A IS  
19 CREATED TO READ AS FOLLOWS:

20 (1) The commissioner of the department shall have  
21 overall responsibility for policy, guidance,  
22 administration, implementation, and proper utilization of  
23 the rescue aid fund.

24 (2) The commissioner shall serve as principal  
25 liaison between the department and local officials  
26 participating in programs affected by the rescue aid fund.

1 and shall ensure proper utilization of the rescue aid fund.

2 (3) The commissioner shall appoint an advisory  
3 committee consisting of seven (7) members, including no  
4 more than four (4) employees of the staff of the  
5 department to assist him in making determinations related  
6 to rescue grant fund allocations, compliance with fund  
7 requirements, releasing equipment to rescue squads, and  
8 withdrawal and reallocation of equipment or funds. The  
9 members of the committee shall serve at the pleasure of  
10 the commissioner, but for no more than four (4) years  
11 without reappointment, and shall serve without  
12 reimbursement, except when funded through the Emergency  
13 Management Assistance Program. The decisions of the  
14 committee shall be advisory only and shall not be binding  
15 upon the commissioner.

16 (4) The commissioner, with the advice of the  
17 advisory committee, shall make determinations relating to  
18 rescue grant fund applications, releasing equipment to  
19 rescue squads, and withdrawal and reallocation of  
20 equipment or funds.

21 (5) Disaster and emergency services area  
22 coordinators shall fully explain rescue grant  
23 opportunities and requirements to local elected officials,  
24 local emergency managers, and local rescue squads; review  
25 budget and program submissions; and make recommendations  
26 to the commissioner.

1       (6) Local emergency managers shall be responsible  
 2 for submitting requests and documentation of expenditures  
 3 to the department, as required, and shall ensure the  
 4 coordination of rescue programs at the local level.

5       (7) The chief officer of the rescue squad shall  
 6 initiate project applications for funds and shall ensure  
 7 that all funds are expended for items or services as  
 8 approved.

9       SECTION 51. A NEW SECTION OF KRS CHAPTER 17A IS  
 10 CREATED TO READ AS FOLLOWS:

11       In order to ensure that rescue squads seeking funding  
 12 under the rescue grant program achieve and maintain  
 13 compliance with the provisions of Section 47 of this Act,  
 14 the following requirements shall be met:

15       (1) Each rescue squad shall develop written bylaws  
 16 to specify as a minimum:

17       (a) The mission of the rescue squad.

18       (b) The election or appointment, succession, and  
 19 term of officers.

20       (c) Financial accounting and property accountability.

21       (d) Administrative procedures.

22       (e) What constitutes active membership in the squad.

23       (2) Each rescue squad shall develop written standard  
 24 operating procedures which specify as a minimum:

25       (a) Rules of notification and response to  
 26 emergencies.

1           (b) Operating procedures for the operations and  
2 response aspects of squad activities.

3           (3) A current copy of the bylaws and a current copy  
4 of all standard operating procedures shall be sent by the  
5 squad to the state department. Amendments to the bylaws  
6 and standard operating procedures shall be sent to the  
7 state department within ten (10) working days of their  
8 adoption. The department shall maintain a file of rescue  
9 squad bylaws and standard operating procedures. These  
10 files shall be public records. Copies of the bylaws and  
11 standard operating procedures of the squad, updated as  
12 required in this subsection, shall also be sent to the  
13 local emergency manager.

14           (4) Each rescue squad shall have a vehicle dedicated  
15 solely to rescue service. The make, model, year, vehicle  
16 identification number, and license number of each vehicle  
17 used by the squad solely for rescue service shall be  
18 supplied to the local emergency manager and to the  
19 department. When a new vehicle is put in service, or a  
20 vehicle is withdrawn from service, both the local  
21 emergency manager and the department shall be notified  
22 within ten (10) working days.

23           (5) A minimum of twelve (12) persons shall be  
24 identified by name as active members of the rescue squad.

25           (6) The active membership list of the rescue squad  
26 shall be submitted quarterly to the department through the



1 disaster and emergency services area coordinator. The same  
2 list shall be submitted quarterly to the local emergency  
3 manager.

4 (7) The active membership list shall be maintained  
5 on a constantly updated basis by the rescue squad and  
6 shall be available for inspection by state and local  
7 government officials and employees.

8 (8) Rescue squads shall maintain a formal training  
9 program appropriate to accomplish the mission of the  
10 rescue squad.

11 (a) The training program shall consist of not less  
12 than two (2) hours of formal training per month. Actual  
13 rescue missions shall not constitute training.

14 (b) To be eligible for continued funding, each squad  
15 shall report not less than one hundred sixty-eight (168)  
16 man-hours of training for its members annually. This  
17 training shall be reported on the incident and training  
18 reports submitted pursuant to Section 54 of this Act.

19 (c) Training at the disaster and emergency services  
20 rescue school or other appropriate training may be  
21 utilized to meet the requirements of subsection (2)(b) of  
22 this section.

23 (9) Rescue squads shall be formally affiliated with  
24 the local emergency management organization through the  
25 following means:

26 (a) Execution of a county ordinance or resolution.

1 or a written agreement signed by the county  
2 judge/executive and the local emergency manager and the  
3 chief rescue officer, outlining a specific working  
4 agreement. The document shall include, as a minimum, call  
5 out authority, chain of command, and the responsibilities  
6 of each concerned party; and

7 (b) Incorporation of responsibilities of the rescue  
8 squad into the county emergency operations plan or an  
9 annex thereto.

10 (10) When a rescue squad is not independent, but is  
11 incorporated within other emergency service agencies or  
12 departments, such as a fire department, the squad members  
13 shall be available for and capable of performing rescue  
14 services not incidental to their primary mission.

15 (11) Rescue squads shall maintain a full complement  
16 of minimum equipment appropriate to the type of rescue to  
17 be undertaken. Minimum equipment lists shall be  
18 promulgated by the department by administrative regulation.

19 (12) Rescue squads shall not assess fees or charges  
20 for any rescue activity.

21 SECTION 52. A NEW SECTION OF KRS CHAPTER 17A IS  
22 CREATED TO READ AS FOLLOWS:

23 (1) A rescue aid project application shall be  
24 initiated by the chief rescue officer and forwarded to the  
25 local emergency manager for review and consolidation. In  
26 the absence of a local emergency manager, the county

1 judge/executive shall fill this role.

2 (2) The local emergency manager shall forward all  
3 applications to the disaster and emergency services area  
4 coordinator, who shall review them, make recommendations  
5 thereon, and forward documentation to the review board.

6 (3) The commissioner shall forward all applications  
7 to the advisory committee. The advisory committee shall  
8 meet during the months of April, August, and December on  
9 dates announced by the commissioner, to assess  
10 applications and compliance and to make recommendations to  
11 the commissioner with regard to allocations of funds,  
12 assessment of compliance, reallocations of funds, release  
13 of equipment, reallocation of equipment, and any other  
14 matters assigned by the commissioner. The advisory  
15 committee shall:

16 (a) Hold only public meetings:

17 (b) Tape record all meetings and deliberations and  
18 retain the tape recordings for a period of one (1) year  
19 following the meeting; and

20 (c) Maintain written minutes reflecting the actions  
21 of the advisory committee. All applications on file and  
22 all other matters pending shall be reviewed during each  
23 session and recommendations made thereon to the  
24 commissioner.

25 (4) Requests for funding shall be evaluated by the  
26 following criteria:

1       (a) Meeting the minimum eligibility criteria of  
2 Section 47 or 48 and Section 51 of this Act, unless some  
3 aspect thereof has been waived as provided in Section 40  
4 of this Act. In determining membership eligibility, no  
5 person may be counted as a member of more than one (1)  
6 rescue squad even though he may be available to or a  
7 member of more than one (1) rescue squad. If possible, a  
8 squad of primary membership shall be determined and the  
9 person counted as a member of that squad. If this cannot  
10 be determined, he shall not be counted as a member of any  
11 rescue squad:

12       (b) Unit and individual training:

13       (c) Number of rescue responses annually:

14       (d) Population served:

15       (e) Geographic area served:

16       (f) Number, type, and location of other rescue  
17 squads in the geographic area served:

18       (g) Equipment possessed by the squad; and

19       (h) The extent to which the rescue squad integrates  
20 its activities with the emergency management structure of  
21 the area served.

22       (5) The advisory committee shall forward the  
23 applications together with its recommendations thereon to  
24 the commissioner for final decision and allocations of  
25 funds. The department's administrative officer shall  
26 ensure timely payment of the funds.

1       (6) The commissioner shall maintain written reasons  
2 with regard to all funding decisions for a period of one  
3 (1) year from the time they are announced.

4       (7) The commissioner shall provide applicants with  
5 written decisions with regard to their applications.

6       (8) Decisions and the reasons for any decisions  
7 regarding funding shall be made available to any person  
8 upon request.

9       (9) The local emergency manager shall maintain  
10 copies of all applications and decisions thereon in his  
11 files for at least five (5) years.

12       SECTION 53. A NEW SECTION OF KRS CHAPTER 17A IS  
13 CREATED TO READ AS FOLLOWS:

14       (1) The rescue squad shall order only the approved  
15 equipment and no other within fifteen (15) days of the  
16 receipt of the grant funds and shall provide a copy of all  
17 paid invoices as well as proof of payment (cancelled  
18 check, cash paid receipt or similar document), within  
19 ninety (90) days of the receipt of the grant funds. An  
20 extension of time periods may be granted for cause upon  
21 written application to the disaster and emergency services  
22 area coordinator who may grant or deny extensions based  
23 upon the need for same. Any funds not encumbered or  
24 expended during the grant period shall be returned to the  
25 department.

26       (2) All equipment purchased with rescue aid funds

1 shall be selected from the minimum equipment list unless  
2 an exception is approved by the commissioner. Optional  
3 items shall not be approved until all items on the  
4 required list have been acquired.

5 (3) The rescue squad shall be accountable to the  
6 Commonwealth of Kentucky for all equipment purchased in  
7 whole or in part with rescue aid funds. All equipment with  
8 a purchase price of three hundred dollars (\$300) or more  
9 shall be assigned a serial number provided by the  
10 department which shall be engraved on the equipment. Five  
11 (5) years after the date of purchase, the accountable  
12 property may be released to the squad.

13 (4) Permission to dispose of unserviceable,  
14 obsolete, or damaged items, which have not been released  
15 to the squad pursuant to subsection (3) of this section,  
16 purchased in whole or in part with rescue aid funds may be  
17 granted by the commissioner. Requests for such action  
18 shall be submitted through the local emergency manager to  
19 the disaster and emergency services area coordinator for  
20 transmittal to the commissioner.

21 (5) When a rescue squad is disbanded, loses its  
22 local charter to operate, or otherwise becomes, in the  
23 determination of the commissioner, incapable of performing  
24 its duties as provided in KRS 39.700, all equipment  
25 purchased in whole or in part with rescue aid funds, and  
26 which has not been released to the squad pursuant to

1 subsection (3) of this section, shall revert to the  
2 department for reallocation. If local funds were used to  
3 pay for a portion of the equipment or the equipment has  
4 depreciated, the squad may return the equipment to the  
5 department or repay an amount determined appropriate by  
6 the commissioner. The option of repayment shall exist only  
7 upon the disbanding, loss of local charter, or  
8 determination of inability of the squad to perform its  
9 duties.

10 (6) In making determinations with regard to  
11 equipment which a rescue squad possesses either for  
12 funding or accountability purposes, equipment personally  
13 owned by members of a rescue squad shall not be counted  
14 for any purpose. Personally owned equipment shall not be  
15 used to fulfill the requirements of the minimum equipment  
16 list for the squad.

17 (7) Equipment which has been purchased in whole or  
18 in part with rescue aid funds, and which has not been  
19 released to the squad pursuant to subsection (3) of this  
20 section, shall be subject to inspection upon twenty-four  
21 (24) hour notice, by the local emergency manager, disaster  
22 and emergency services area coordinator, or any other  
23 employee of the department.

24 (8) An inspection shall be made when accountable  
25 items are reported damaged, in need of replacement, or  
26 where there is evidence of misuse. Inspections may also be

1 made upon the request of the disaster and emergency  
2 services area coordinator or the commissioner.

3 (9) An annual inspection of equipment purchased in  
4 whole or in part with rescue aid funds, and which has not  
5 been released to the squad pursuant to subsection (3) of  
6 this section, may be conducted by the disaster and  
7 emergency services area coordinator. The review shall be  
8 made to ensure accountability, proper maintenance, and  
9 utilization of the equipment.

10 (10) All funds provided pursuant to Sections 47 to  
11 55 of this Act shall be subject to state audit and rescue  
12 squads shall cooperate fully to provide necessary  
13 documentation and other support required for the audit.

14 (11) A rescue squad aggrieved by a decision of the  
15 department to withdraw funds or equipment allocated to the  
16 rescue squad pursuant to subsection (5) of this section  
17 may appeal the decision in the manner provided in Section  
18 39 of this Act.

19 SECTION 54. A NEW SECTION OF KRS CHAPTER 17A IS  
20 CREATED TO READ AS FOLLOWS:

21 (1) A report shall be made by the rescue squad chief  
22 official to the disaster and emergency services area  
23 coordinator within forty-eight (48) hours when:

24 (a) Accountable equipment purchased with rescue aid  
25 funds is lost, stolen, or damaged; or

26 (b) The squad is disbanded, loses its local charter



1 to operate, or is otherwise rendered incapable of  
2 performing its duties as outlined in Section 47 of this  
3 Act.

4 (2) Local emergency managers shall maintain a  
5 cumulative list of equipment owned by each rescue squad  
6 participating in the rescue aid program, denoting those  
7 items purchased with rescue aid funds. An updated list  
8 shall be made available to the disaster and emergency  
9 services area coordinator at the time of each application.

10 (3) Rescue squads participating in the rescue aid  
11 program or who receive workers' compensation benefits  
12 through the department shall submit quarterly incident and  
13 training reports reflecting activity or the lack thereof,  
14 as appropriate, of the rescue squad to the disaster and  
15 emergency services area coordinator within ten (10) days  
16 from the end of the quarter. The disaster and emergency  
17 services area coordinator shall transmit the reports  
18 together with any comments thereon to the department  
19 within ten (10) days of his receipt thereof.

20 SECTION 55. A NEW SECTION OF KRS CHAPTER 17A IS  
21 CREATED TO READ AS FOLLOWS:

22 Local disaster and emergency services organizations,  
23 individuals, organizations or individuals associated with  
24 them, rescue squads, or members of them or associated with  
25 them for the purposes of receiving workers' compensation  
26 benefits paid by the department shall be covered by the

1 benefits when performing emergency preparedness, response,  
2 or recovery functions, with the following limitations:

3 (1) The organizations and individuals shall not be  
4 covered when performing fund raising functions, unless all  
5 proceeds of the function are to be dedicated to the  
6 administration or operation of the organization:

7 (2) The organizations and individuals shall not be  
8 covered when involved in any law enforcement activity,  
9 including security or evidence recovery, except for  
10 traffic control at an accident scene when the assistance  
11 is requested by law enforcement authorities:

12 (3) The organizations and individuals, including  
13 rescue squads, shall not be covered when the primary  
14 purpose of the mission is the provision of emergency  
15 medical care or first aid. However, coverage shall be  
16 extended when:

17 (a) A rescue squad provides emergency medical  
18 transportation when inclement weather or rough terrain  
19 prevents a regular ambulance from providing  
20 transportation. Transportation may be provided only upon  
21 request of the appropriate emergency medical services  
22 agency. The distance of travel shall be restricted to the  
23 nearest appropriate medical facility or ambulance:

24 (b) Additional personnel or equipment is required to  
25 supplement existing emergency medical services which have  
26 been overtaxed at an incident which is subsequently

1 declared as a disaster by any official authorized to make  
2 such a determination; or

3 (c) A rescue squad provides first aid, or emergency  
4 medical care is rendered as a necessary function during a  
5 rescue mission and the primary purpose of the mission was  
6 the rescue and not the provision of emergency medical care;

7 (4) The organizations or individuals shall not be  
8 covered when engaging in firefighting unless the  
9 firefighting was performed as a secondary function to  
10 protect persons involved in a rescue mission.

11 (5) No person shall be covered unless enrolled on a  
12 workers' compensation enrollment form and filed with the  
13 disaster and emergency services area coordinator, except  
14 when the magnitude of an emergency is so great that a  
15 local disaster and emergency services director must  
16 solicit additional workers. At such times, the director  
17 may develop and maintain a list of workers, to include  
18 names, Social Security account numbers, missions assigned,  
19 and dates covered and submit a copy of the list to the  
20 disaster and emergency services area coordinator within  
21 twenty-four (24) hours of the conclusion of the emergency.

22 SECTION 56. A NEW SECTION OF KRS CHAPTER 17A IS  
23 CREATED TO READ AS FOLLOWS:

24 (1) A board of search and rescue, consisting of ten  
25 (10) members appointed by the commissioner, is hereby  
26 created. The commissioner shall appoint:

1       (a) One (1) member who is a representative of the  
 2 Kentucky State Police;

3       (b) One (1) member who is a representative of the  
 4 Kentucky Wing of the Civil Air Patrol;

5       (c) One (1) member who is a representative of the  
 6 Kentucky National Guard;

7       (d) One (1) member who is a representative of the  
 8 sheriffs;

9       (e) One (1) member who is a representative of the  
 10 medical profession;

11       (f) One (1) member who is a representative of the  
 12 Department of Fish and Wildlife;

13       (g) One (1) member who is a representative of  
 14 organizations which manage search and rescue;

15       (h) One (1) member who is a representative of the  
 16 Kentucky Fire Chiefs' Association or its legal successor.  
 17 If the association ceases to exist and no legal successor  
 18 is formed, the commissioner shall appoint one (1) member  
 19 who is a fire commissioner;

20       (i) One (1) member who is a local emergency manager;  
 21 and

22       (j) One (1) member who is a member of a rescue squad  
 23 engaging in search and rescue.

24       (2) The term of office of each member of the board  
 25 shall be two (2) years.

26       SECTION 57. A NEW SECTION OF KRS CHAPTER 17A IS

1 CREATED TO READ AS FOLLOWS:

2 The board shall:

3 (1) Meet at the call of the commissioner and at  
4 least once every six (6) months;

5 (2) Provide direction and guidance for the  
6 coordinator;

7 (3) Formulate policy regarding search and rescue; and

8 (4) Carry out the other duties assigned to it in  
9 this chapter or assigned by the commissioner.

10 SECTION 58. A NEW SECTION OF KRS CHAPTER 17A IS  
11 CREATED TO READ AS FOLLOWS:

12 (1) The board may, by majority vote, recommend to  
13 the commissioner administrative regulations for the  
14 administration of laws regarding searches and rescues.

15 (2) The commissioner shall promulgate administrative  
16 regulations for the administration of laws regarding  
17 searches and rescues.

18 SECTION 59. A NEW SECTION OF KRS CHAPTER 17A IS  
19 CREATED TO READ AS FOLLOWS:

20 (1) The commissioner, with the advice of the board,  
21 shall appoint a coordinator of search and rescue.

22 (2) The coordinator of search and rescue shall meet  
23 the following qualifications:

24 (a) Be a graduate of an accredited college or  
25 university or have been actively involved in search and  
26 rescue either in the military or in a civilian capacity

1 for not less than four (4) years; and

2 (b) Be a graduate of the National Search and Rescue  
 3 School operated by the United States Air Force or the  
 4 United States Coast Guard;

5 (c) Be a graduate of a course of instruction in the  
 6 fundamentals of search and rescue;

7 (d) Be a graduate of a course of instruction in  
 8 managing search operations; and

9 (e) Be a graduate of a course of instruction in the  
 10 National Interagency Incident Management System.

11 SECTION 60. A NEW SECTION OF KRS CHAPTER 17A IS  
 12 CREATED TO READ AS FOLLOWS:

13 The coordinator shall:

14 (1) Identify, inventory, and coordinate resources  
 15 available for searches and rescues;

16 (2) Investigate and apply for grants and other  
 17 financial assistance for search and rescue;

18 (3) Maintain statistics regarding searches and  
 19 rescues;

20 (4) Coordinate assistance during searches and  
 21 rescues;

22 (5) Act as liaison with other states' operations  
 23 involving searches and rescues;

24 (6) Provide assistance, upon request, during  
 25 searches and rescues;

26 (7) Prepare a plan for searches and rescues;

1       (8) Establish and maintain a system of communication  
2 for use throughout the state for operations relating to  
3 searches and rescues; and

4       (9) Prepare and distribute publications relating to  
5 searches and rescues.

6       SECTION 61. A NEW SECTION OF KRS CHAPTER 17A IS  
7 CREATED TO READ AS FOLLOWS:

8       The committee on training in search and rescue,  
9 consisting of three (3) members appointed by the  
10 coordinator with the advice of the board, is hereby  
11 created.

12       SECTION 62. A NEW SECTION OF KRS CHAPTER 17A IS  
13 CREATED TO READ AS FOLLOWS:

14       The committee shall:

15       (1) Meet at the call of the coordinator and at least  
16 once every six (6) months;

17       (2) Establish recommendations for organizations  
18 specializing in search and rescue, and certify  
19 organizations which meet those recommendations at the  
20 appropriate level;

21       (3) Maintain a list of all certified organizations  
22 and resources; and

23       (4) Coordinate training in techniques of search and  
24 rescue.

25       SECTION 63. A NEW SECTION OF KRS CHAPTER 17A IS  
26 CREATED TO READ AS FOLLOWS:

1       (1) The local emergency manager of each political  
2 subdivision shall be responsible for local search and  
3 rescue activities. Operation of search and rescue  
4 activities shall be in accordance with state and local  
5 operations plans adopted by the elected governing body of  
6 each local political subdivision. The local emergency  
7 manager shall notify the state search and rescue  
8 coordinator of all search and rescue missions. The local  
9 emergency manager or his designee in writing shall work in  
10 a coordinating capacity directly supporting all search and  
11 rescue activities in that political subdivision and in  
12 registering emergency search and rescue workers for  
13 employee status. The chief law enforcement officer of each  
14 political subdivision may, upon request of the local  
15 emergency manager, restrict access to a specific search  
16 and rescue area to personnel authorized by the local  
17 emergency manager. Access shall be restricted only for the  
18 period of time necessary to accomplish the search and  
19 rescue mission. An unauthorized person shall not interfere  
20 with a search and rescue mission.

21       (2) When search and rescue activities result in the  
22 discovery of a deceased person or search and rescue  
23 workers assist in the recovery of human remains, the chief  
24 law enforcement officer of the political subdivision shall  
25 insure compliance with the provisions of KRS Chapter 72.

26       SECTION 64. A NEW SECTION OF KRS CHAPTER 17A IS



1 CREATED TO READ AS FOLLOWS:

2 (1) When, during a state of emergency it becomes  
3 imprudent, inexpedient, or impossible to conduct the  
4 affairs of state government at the state capital, the  
5 Governor shall, as often as the exigencies of the  
6 situation require, by proclamation designate an emergency  
7 temporary location for the seat of government at the place  
8 within this state he or she deems advisable, and shall  
9 take action and issue orders necessary for an orderly  
10 transition of the affairs of state government to the  
11 emergency temporary location. If practicable, the  
12 emergency temporary location designated by the Governor  
13 shall conform to that provided for in the current  
14 emergency operations plan. The emergency temporary  
15 location shall remain as the seat of government until the  
16 Governor establishes a new location under this section, or  
17 until the emergency is ended and the seat of government is  
18 returned to its normal location.

19 (2) While the seat of government remains at the  
20 temporary location all official acts required by law to be  
21 performed at the seat of government by any officer,  
22 independent agency, department, or authority of this  
23 state, including the convening and meeting of the General  
24 Assembly in regular or special session, shall be as valid  
25 and binding when performed at the emergency temporary  
26 location as if performed at the normal location.

1 SECTION 65. A NEW SECTION OF KRS CHAPTER 17A IS  
2 CREATED TO READ AS FOLLOWS:

3 (1) When, during a state of emergency, it becomes  
4 imprudent, inexpedient, or impossible to conduct the  
5 affairs of local government at the regular or usual place  
6 or places thereof, the governing body of each county,  
7 urban-county, charter county, and city of this state may  
8 meet at any place within or without the territorial limits  
9 of such political subdivision on the call of the presiding  
10 officer or his or her successor, and shall proceed to  
11 establish and designate by ordinance, resolution, or other  
12 manner, alternate or substitute sites or places as the  
13 emergency temporary locations of government where all, or  
14 any part, of the public business may be transacted and  
15 conducted during the emergency situation. The alternate or  
16 substitute sites or places may be within or without  
17 territorial limits of the county, urban-county, charter  
18 county, and city and may be within those of the state. If  
19 practicable, they shall be the sites or places designated  
20 as the emergency temporary locations of government in the  
21 current emergency operations plan.

22 (2) While the public business is being conducted at  
23 an emergency temporary location, the governing body and  
24 other officers of a county, urban-county, charter county,  
25 and city of this state shall have, possess, and exercise,  
26 at such location, all of the executive legislative,

1 administrative, and judicial powers and functions  
2 conferred upon such body and officers under state law. The  
3 powers and functions, except judicial, may be exercised in  
4 the light of the exigencies of the emergency situation  
5 without regard to or compliance with time-consuming  
6 procedures and formalities prescribed by law and  
7 pertaining thereto. All acts of such body and officers  
8 shall be as valid and binding as if performed within the  
9 territorial limits of their county, urban-county, charter  
10 county, and city.

11 (3) This section shall control notwithstanding any  
12 statutory charter or ordinance provision to the contrary  
13 or in conflict herewith.

14 SECTION 66. A NEW SECTION OF KRS CHAPTER 17A IS  
15 CREATED TO READ AS FOLLOWS:

16 The governing body of each county, urban-county  
17 government, charter county government, and city shall  
18 enact the ordinances and resolutions necessary to provide  
19 for the continuity of government in the event of and  
20 throughout the duration of a state of emergency resulting  
21 from enemy action. The ordinances and resolutions shall  
22 provide a method by which temporary emergency appointments  
23 to public office are made, except as limited by express  
24 constitutional provisions, and shall define the scope of  
25 the powers and duties which may be exercised and provide  
26 for termination of the appointment so made. This section

1 shall control notwithstanding any statutory provision to  
2 the contrary or in conflict herewith.

3 SECTION 67. A NEW SECTION OF KRS CHAPTER 17A IS  
4 CREATED TO READ AS FOLLOWS:

5 (1) As used in this section unless the context  
6 clearly requires otherwise:

7 (a) "Emergency interim successor" means a person  
8 designated under this section, if the officer is  
9 unavailable, to exercise the powers and discharge the  
10 duties of an office until a successor is appointed or  
11 elected and qualified as provided by law or until the  
12 lawful incumbent is able to resume the exercise of the  
13 powers and discharge the duties of the office.

14 (b) "Office" includes all state and local offices,  
15 the powers and duties of which are defined by law, except  
16 the office of Governor, and except those in the  
17 legislature and the judiciary. An "officer" is a person  
18 who holds an office.

19 (c) "Political subdivision" includes counties,  
20 urban-counties, charter counties, cities, special  
21 districts, authorities, and other public corporations and  
22 entities whether organized and existing under charter or  
23 general law.

24 (d) "Unavailable" means that during a state of  
25 emergency either a vacancy in office exists and there is  
26 no deputy authorized to exercise all of the powers and

1 discharge the duties of the office, or that the lawful  
2 incumbent of the office and his duly authorized deputy are  
3 absent or unable to exercise the powers and discharge the  
4 duties of the office.

5 (2) All state officers, subject to the regulations  
6 the Governor or other official authorized under the  
7 Constitution to exercise the powers and discharge the  
8 duties of the office of the Governor may issue, shall, in  
9 addition to any deputy authorized to exercise all of the  
10 powers and discharge the duties of the office, designate  
11 by title emergency interim successors and specify their  
12 order of succession. The officer shall review and revise,  
13 as necessary, designations made pursuant to this section  
14 to ensure their current status. The officer shall  
15 designate a sufficient number of emergency interim  
16 successors so that there will be not less than three (3)  
17 nor more than seven (7) deputies or emergency interim  
18 successors or any combination thereof, at any time. If any  
19 state officer is unavailable following an emergency, and  
20 if his or her deputy, if any, is also unavailable, the  
21 powers of his office shall be exercised and the duties of  
22 his or his office shall be discharged by his designated  
23 emergency interim successors in the order specified. The  
24 emergency interim successors shall exercise the powers and  
25 discharge the duties only until such time as the Governor  
26 under the Constitution or authority other than this

1 section or other official authorized under the  
2 Constitution or this section to exercise the powers and  
3 discharge the duties of the office of Governor may, where  
4 a vacancy exists, appoint a successor to fill the vacancy  
5 or until a successor is otherwise appointed, or elected  
6 and qualified as provided by law; or an officer or his or  
7 her deputy or a preceding named emergency interim  
8 successor becomes available to exercise, or resume the  
9 exercise of, the powers and discharge the duties of his or  
10 her office.

11 (3) With respect to local offices for which the  
12 governing bodies of political subdivisions may enact  
13 resolutions or ordinances relative to the manner in which  
14 vacancies will be filled or temporary appointments to  
15 office made, the governing bodies may enact resolutions or  
16 ordinances providing for emergency interim successors to  
17 offices of the aforementioned governmental units. The  
18 resolutions and ordinances shall not be inconsistent with  
19 this section.

20 (4) This section applies to officers of all  
21 political subdivisions not included in subsection (3) of  
22 this section. The officers, subject to such regulations as  
23 the executive head of the political subdivision issues,  
24 shall designate by title, if feasible, or by named person,  
25 emergency interim successors and specify their order of  
26 succession. The officer shall review and revise, as

1 necessary, designations made pursuant to this section to  
2 ensure their current status. The officer shall designate a  
3 sufficient number of persons so that there will be not  
4 less than three (3) nor more than seven (7) deputies or  
5 emergency interim successors or any combination thereof at  
6 any time. If any officer of any political subdivision or  
7 his deputy provided for pursuant to law is unavailable,  
8 the powers of the office shall be exercised and duties  
9 shall be discharged by his or her designated emergency  
10 interim successors in the order specified. The emergency  
11 interim successor shall exercise the powers and discharge  
12 the duties of the office to which designated until the  
13 time a vacancy which may exist is filled in accordance  
14 with the Constitution or statutes or until the officer or  
15 his deputy, or a preceding emergency interim successor  
16 again becomes available to exercise the powers and  
17 discharge the duties of his office.

18 (5) No person shall be designated or serve as an  
19 emergency interim successor unless he is eligible under  
20 the Constitution and statutes to hold the office to which  
21 powers and duties he is designated to succeed; but no  
22 constitutional or statutory provision prohibiting local or  
23 state officials from holding another office shall be  
24 applicable to an emergency interim successor.

25 (6) Emergency interim successors shall take the oath  
26 required for them to exercise the powers and discharge the

1 duties of the office to which they may succeed. No person,  
2 as a prerequisite to the exercise of the powers or  
3 discharge of the duties of an office to which he succeeds,  
4 shall be required to comply with any other provision of  
5 law relative to taking office.

6 (7) Officials authorized to act as Governor pursuant  
7 to this section and emergency interim successors are  
8 empowered to exercise the powers and discharge the duties  
9 of an office only during the continuance of an emergency.  
10 The General Assembly, by joint resolution, may at any time  
11 terminate the authority of the emergency interim  
12 successors to exercise the powers and discharge the duties  
13 of office.

14 (8) Until the time the persons designated as  
15 emergency interim successors are authorized to exercise  
16 the powers and discharge the duties of an office in  
17 accordance with this section, the persons shall serve in  
18 their designated capacities at the pleasure of the  
19 designating authority.

20 (9) Any dispute concerning a question of fact  
21 arising under this section with respect to an office in  
22 the executive department of the state government, except a  
23 dispute of fact relative to the office of Governor, shall  
24 be adjudicated by the Governor or other official  
25 authorized under the Constitution to exercise the powers  
26 and discharge the duties of the office of Governor and his



1 decision shall be final.

2 SECTION 68. A NEW SECTION OF KRS CHAPTER 17A IS  
3 CREATED TO READ AS FOLLOWS:

4 The state Archives and Records Commission shall  
5 establish a system for the preservation of essential state  
6 public records necessary for the continuity of  
7 governmental functions in the event of enemy action or  
8 natural or man-made disasters. The commission shall:

9 (1) Determine what records are essential for  
10 operation during a state of emergency and thereafter  
11 through consultation with all state departments and  
12 independent agencies and the administrator, establish the  
13 manner in which the records shall be preserved, and  
14 provide for their preservation;

15 (2) Require every state department and independent  
16 agency to establish and maintain a preservation program  
17 for essential state public records;

18 (3) Provide for security storage of essential state  
19 records;

20 (4) Furnish state departments and independent  
21 agencies with copies of the final plan for preservation of  
22 essential public records; and

23 (5) Advise all political subdivisions of this state  
24 on preservation of essential public records.

25 SECTION 69. A NEW SECTION OF KRS CHAPTER 17A IS  
26 CREATED TO READ AS FOLLOWS:

1       The Kentucky Emergency Response Commission is  
2 established to:

3       (1) Advise the department on all matters relating to  
4 disaster and emergency services within the state;

5       (2) Advise agencies of state and local government  
6 with regard to matters relating to disaster and emergency  
7 services;

8       (3) Implement all provisions of Title III, P.L.  
9 99-499, associated federal regulations, and subsequent  
10 related legislation and regulations related to hazardous  
11 substances; develop policies related to the response of  
12 state and local governments to releases of hazardous  
13 substances; develop standards for planning for such  
14 events; develop reporting requirements for those who  
15 manufacture, use, transport, or store such substances;  
16 provide information to the public concerning hazardous  
17 substances in the community; develop training  
18 requirements; and develop requirements for local  
19 governments and covered facilities to exercise plans  
20 related to hazardous substance response; and

21       (4) Perform any other functions assigned by statute  
22 or by the commissioner.

23       SECTION 70. A NEW SECTION OF KRS CHAPTER 17A IS  
24 CREATED TO READ AS FOLLOWS:

25       As used in this chapter, unless the context requires  
26 otherwise:

1       (1) "Commission" means those persons appointed by  
2 the Governor to implement provisions of Title III, P.L.  
3 99-499 and this chapter.

4       (2) "Local Emergency Planning Committee," hereafter  
5 referred to as the "Local Committee," means those persons  
6 appointed by the commission to assist in the  
7 implementation of Title III, P.L. 99-499 and this chapter.

8       (3) "Release" means, but is not limited to, any  
9 spilling, leaking, pumping, pouring, emitting, emptying,  
10 discharging, injecting, escaping, leaching, dumping, or  
11 disposing into the environment, including the abandonment  
12 or discarding of barrels, containers and other closed  
13 receptacles, of any hazardous substance.

14       (4) "Reportable quantity" means an amount of  
15 hazardous substances released which requires notification  
16 to local and state warning points.

17       (5) "Hazardous substance" means a substance  
18 specified by Title III, P.L. 99-499, subsequent federal  
19 regulations, Sections 69 to 91 of this Act, and subsequent  
20 administrative regulations as requiring notification if  
21 released or if stored, manufactured or used.

22       (6) "Warning point" means that location, operated by  
23 state or local government, and identified by the state  
24 commission or local committee, and which is continuously  
25 staffed, and which has the capability or responsibility to  
26 contact governmental emergency response organizations and,

1 if capability exists, to warn the public of hazards which  
2 may affect them.

3 (7) "Emergency response organization" means a unit  
4 of local government or a unit authorized by local  
5 government which may be called to make a response because  
6 of a release of a hazardous substance, and whose  
7 responsibilities are included in plans developed under  
8 this chapter.

9 (8) "Facility" means all buildings, equipment  
10 structures, and other stationary items which are located  
11 on a single site or on contiguous or adjacent sites and  
12 which are owned or operated by the same person, or by any  
13 person which controls, is controlled by, or under common  
14 control with such person, and which manufactures, stores,  
15 or uses substances covered under Sections 69 to 91 of this  
16 Act. For purposes of KRS 39.880, the term includes motor  
17 vehicles, rolling stock, and aircraft.

18 SECTION 71. A NEW SECTION OF KRS CHAPTER 17A IS  
19 CREATED TO READ AS FOLLOWS:

20 (1) The commission shall be composed of not more  
21 than twenty-five (25) members and shall be chaired by the  
22 commissioner, who shall also be a member. Other members  
23 shall include, but not be limited to, representatives of  
24 the Natural Resources and Environmental Protection  
25 Cabinet, the office of the state fire marshal, the  
26 Kentucky State Police, the Office of the Attorney General,

1 affected industry, local government, health services,  
2 environmental interests, and other persons who have  
3 technical expertise in the emergency response field as the  
4 Governor deems appropriate.

5 (2) Members of the commission shall be appointed by  
6 the Governor for a term of two (2) years. Members shall  
7 serve until their successors are appointed and qualified  
8 and shall be eligible for reappointment.

9 (3) The commission shall meet not less than  
10 semiannually.

11 (4) If a member misses three (3) consecutive  
12 meetings of the full commission or three (3) meetings in  
13 two (2) consecutive years, the position shall be declared  
14 vacant by the commission. In such cases, the Governor  
15 shall make an appointment to fill the unexpired term.

16 (5) The presence of thirteen (13) members shall  
17 constitute a quorum and actions taken at such meetings  
18 shall be considered as actions of the full commission.

19 (6) Members of the commission shall not receive a  
20 salary for serving on the commission, but travel and per  
21 diem may be paid if funds are appropriated or otherwise  
22 made available for these purposes.

23 SECTION 72. A NEW SECTION OF KRS CHAPTER 17A IS  
24 CREATED TO READ AS FOLLOWS:

25 The commission shall:

26 (1) Appoint local emergency planning committees and

- 1 revise the committees as it deems appropriate. The  
 2 committees shall include, as a minimum, representatives  
 3 from each of the following groups:
- 4 (a) Elected local officials;
  - 5 (b) Law enforcement;
  - 6 (c) Disaster and emergency services;
  - 7 (d) Fire service;
  - 8 3(e) Emergency medical services:
  - 9 (f) Health service;
  - 10 (g) Local environmental;
  - 11 (h) Hospital;
  - 12 (i) Transportation;
  - 13 (j) Broadcast and print media;
  - 14 (k) Community groups; and
  - 15 (l) Owners and operators of facilities subject to  
 16 Sections 69 to 91 of this Act;
  - 17 (2) Adopt standards and procedures for the  
 18 operations of local committees;
  - 19 (3) Develop reporting requirements and procedures  
 20 consistent with those of Title III, P.L. 99-499, for  
 21 individuals, businesses, and governmental agencies that  
 22 manufacture, use, store, or transport hazardous substances;
  - 23 (4) Develop guidance and standards for plans related  
 24 to disaster and emergency services operations and  
 25 hazardous substances;
  - 26 (5) Approve, disapprove, and where necessary, make

1 recommendations to improve plans developed by local  
2 emergency planning committees:

3 (6) Recommend administrative regulations to the  
4 executive director for issuance by the department to  
5 implement provisions of Sections 69 to 91 of this Act,  
6 consistent with Title III, P.L. 99-499;

7 (7) Receive from any source and authorize the  
8 expenditure of funds:

9 (8) Develop policies relating to the training of  
10 committees and persons subject to respond to disaster and  
11 emergencies and to releases of hazardous substances;

12 (9) Develop policies relating to exercising and  
13 testing plans developed by local emergency planning  
14 committees:

15 (10) Specify a warning point to which all required  
16 emergency notifications shall be made;

17 (11) Develop a procedure by which facilities may  
18 report the presence and inventories of hazardous  
19 substances and by which members of the public may obtain  
20 the reports;

21 (12) Annually review all commission policies and  
22 procedures and update them as necessary; and

23 (13) Adopt policies for the conduct of the business  
24 and duties of the commission.

25 SECTION 73. A NEW SECTION OF KRS CHAPTER 17A IS  
26 CREATED TO READ AS FOLLOWS:

1       (1) The commission shall institute a fee system to  
2 assist in the administration of its Title III, P.L. 99-499  
3 programs and activities at both state and local levels.

4       (2) (a) Any facility required to report under the  
5 provisions of Sections 69 to 91 of this Act shall annually  
6 submit to the commission the required fee of forty dollars  
7 (\$40) no later than March 1. This paragraph shall not  
8 apply to facilities that pay a fee pursuant to paragraph  
9 (b) of this subsection.

10       (b) Any facility required to report under the  
11 provisions of Sections 69 to 91 of this Act and which  
12 meets any of the following standards shall annually submit  
13 to the commission the required fee of two hundred and  
14 fifty dollars (\$250) no later than March 1.

15       1. The facility has any of the extremely hazardous  
16 substances identified in 40 C.F.R. Part 355, as amended;

17       2. The facility has eleven (11) or more hazardous  
18 substances as defined at Section 70 of this Act; or

19       3. The facility has a total inventory of hazardous  
20 substances as defined by Section 70 of this Act of over  
21 four hundred ninety-nine thousand nine hundred ninety-nine  
22 (499,999) pounds.

23       (c) If the same owner or owners own two (2) or more  
24 facilities in a single county and all of the facilities  
25 are required to submit fees pursuant to paragraph (a) of  
26 this subsection, the fees due from the owner or owners



1 shall not exceed a total of two hundred fifty dollars  
 2 (\$250) for all those facilities in that county.

3 (d) The provisions of this subsection shall not  
 4 apply to a facility owned or operated by local, state, or  
 5 federal government.

6 (3) The funds derived from the fee system shall be  
 7 placed in a trust and agency account, which shall be known  
 8 as the "Kentucky Emergency Response Commission Fee  
 9 Account," and which shall not lapse. The funds in the  
 10 account shall be expended only for the purpose specified  
 11 in subsection (1) of this section.

12 (4) The commission shall develop administrative  
 13 regulations to implement the provisions of this section  
 14 for promulgation by the department.

15 SECTION 74. A NEW SECTION OF KRS CHAPTER 17A IS  
 16 CREATED TO READ AS FOLLOWS:

17 The commission may undertake other activities that  
 18 are:

19 (1) Required or authorized by this chapter or other  
 20 statute or administrative regulation;

21 (2) Required by federal law or regulation;

22 (3) Authorized by federal law or regulation;

23 (4) Authorized by executive order of the Governor;

24 (5) Clearly adjunct to the duties specified in this  
 25 chapter;

26 (6) Necessary to approve or disapprove actions of

1 the local committees:

2 (7) Necessary to effectively implement the  
3 requirements of Title III, P.L. 99-499; or

4 (8) Necessary to commence a civil action against the  
5 owner or operator of a facility for failure to comply with  
6 the provisions of Section 326, Title III, P.L. 99-499.

7 SECTION 75. A NEW SECTION OF KRS CHAPTER 17A IS  
8 CREATED TO READ AS FOLLOWS:

9 (1) The department shall provide administrative  
10 support to the commission within the limitation of staff  
11 resources. The department may employ staff and may acquire  
12 technical or professional assistance deemed necessary by  
13 the commissioner of the department and for whom federal,  
14 state, or other funds have been provided.

15 (2) Persons employed under this section shall report  
16 to the commissioner and shall implement policies and  
17 directives of the commission as specified by the  
18 commissioner. Other employees of the department may also  
19 support the commission and assist in the implementation of  
20 hazardous substance planning, reporting, investigation,  
21 training, and exercising as directed by the commissioner.  
22 In cases when the commission develops policies or  
23 directives which cannot reasonably be implemented by  
24 department staff, the commissioner may defer  
25 implementation until sufficient resources exist. In cases  
26 when the commissioner advises the commission, in writing,

1 that the department cannot provide requested resources,  
 2 the commission may seek assistance from other agencies of  
 3 state government.

4 (3) The commissioner shall not devote department  
 5 resources to support the commission if that support would  
 6 result in the withdrawal of federal or state funds from  
 7 the department.

8 (4) The department shall, upon concurrence by the  
 9 commissioner, promulgate administrative regulations  
 10 recommended by the commission and consistent with Title  
 11 III, P.L. 99-499. The regulations shall include, but not  
 12 be limited to:

13 (a) Substances which require inventory reporting;

14 (b) Quantities of each substance covered; and

15 (c) Emergency notification procedures and  
 16 requirements.

17 SECTION 76. A NEW SECTION OF KRS CHAPTER 17A IS  
 18 CREATED TO READ AS FOLLOWS:

19 Local emergency planning districts shall be  
 20 consistent with county boundaries. The commission may  
 21 authorize two (2) or more districts to combine, upon  
 22 request of the committees of the affected districts. There  
 23 shall be only one (1) emergency planning committee within  
 24 a district.

25 SECTION 77. A NEW SECTION OF KRS CHAPTER 17A IS  
 26 CREATED TO READ AS FOLLOWS:

1       (1) Local emergency planning committees are created  
2 as part of the state commission.

3       (2) Local committee members shall be appointed by  
4 the commission, and shall be considered as agents of the  
5 state for all purposes, including purposes of liability  
6 protection.

7       SECTION 78. A NEW SECTION OF KRS CHAPTER 17A IS  
8 CREATED TO READ AS FOLLOWS:

9       (1) Duties of the committees shall include:

10       (a) Development of plans to prepare emergency  
11 response organizations within cities, counties, and  
12 urban-county governments to respond effectively to all  
13 disasters, emergencies, and releases of hazardous  
14 substances:

15       (b) Identification of a twenty-four (24) hour  
16 warning point within the district to which persons  
17 responsible for releases of hazardous substances must  
18 report the releases:

19       (c) Establishment of a method, consistent with  
20 federal law, commission policies, and administrative  
21 regulations, by which manufacturers, users, or storers of  
22 hazardous substances may report the presence of the  
23 substances and by which members of the public may obtain  
24 information about those substances:

25       (d) Appointment of a committee chairman, from among  
26 its members, for a term of two (2) years. Chairmen may be

1 reappointed:

2 (e) Development and maintenance of plans consistent  
3 with guidance and policies established by the commission;  
4 and

5 (f) Development of procedures for the annual review  
6 of emergency plans and procedures developed under this  
7 chapter.

8 (2) Local committees shall advise the commission of  
9 their actions by providing a copy of minutes to the  
10 commission within thirty (30) days of the date of the  
11 meeting. If the minutes are later changed before approval,  
12 a copy of the revised minutes shall be submitted to the  
13 commission within thirty (30) days of the approval.

14 (3) Local committees may request the chief of the  
15 fire department with jurisdiction over a facility which  
16 has, or may have, substances subject to Title III, P.L.  
17 99-499, to make on-site inspections of the facilities and  
18 to report his findings to the chairman of the committee.

19 (4) Members of local committees shall serve for  
20 terms as specified by the commission, though not to exceed  
21 four (4) years except by reappointment. Committees may  
22 establish attendance standards for continued membership  
23 and shall advise the commission of any additions or  
24 deletions from the membership that are desired. The  
25 changes may be approved or disapproved by the commission.

26 (5) Committee meetings shall be subject to

1 provisions of KRS 61.805 to 61.850, relating to public  
2 meetings, and to KRS 61.870 to 61.884, relating to open  
3 records, provided that trade secrets, as determined by the  
4 federal Environmental Protection Agency, are processed in  
5 accordance with 42 U.S.C. 11042.

6 (6) The local committee may, after consultation with  
7 the commission chairman, seek civil remedies prescribed in  
8 Section 326, P.L. 99-499.

9 (7) The local committee may, with the advice and  
10 consent of the commission chairman, submit information to  
11 the county attorney for prosecution under Section 94 of  
12 this Act.

13 (8) Consultations pursuant to subsection (6) of this  
14 section shall be made prior to the giving of notice of  
15 intent to commence a civil action.

16 SECTION 79. A NEW SECTION OF KRS CHAPTER 17A IS  
17 CREATED TO READ AS FOLLOWS:

18 Owners or operators of facilities which manufacture,  
19 use, or store extremely hazardous substances, as  
20 identified in 40 C.F.R. Part 355, and in quantities as  
21 identified in administrative regulations issued by the  
22 Division of Disaster and Emergency Services, shall advise  
23 the commission, local committee, and fire department in  
24 whose jurisdiction the facility resides, of the name of  
25 the substance and its quantity within ninety (90) days of  
26 the date the facility first receives the substance or

1 substances in excess of the quantities as identified in  
2 the administrative regulations, or, if there is a revision  
3 of the regulations and the facility has present a  
4 substance or substances on the revised list in excess of  
5 the quantity established for the substances, within ninety  
6 (90) days.

7 SECTION 80. A NEW SECTION OF KRS CHAPTER 17A IS  
8 CREATED TO READ AS FOLLOWS:

9 Owners or operators of facilities covered under  
10 Section 79 of this Act shall identify, within thirty (30)  
11 days of notifying the commission that the facility is  
12 subject to Sections 69 to 91 of this Act, the name of a  
13 facility representative who will work with the local  
14 committee in the development of emergency plans and that  
15 person shall provide information necessary to the  
16 development of those plans.

17 SECTION 81. A NEW SECTION OF KRS CHAPTER 17A IS  
18 CREATED TO READ AS FOLLOWS:

19 (1) City, county, and urban-county governments;  
20 school districts; special purpose district boards; or  
21 other municipal corporations or political subdivisions of  
22 the state or local government shall participate in the  
23 planning process conducted by local emergency planning  
24 committees. The participation shall include, as a minimum,  
25 providing information concerning government owned or  
26 controlled emergency response assets, reviewing plans

1 developed by the committee, and concurring that the final  
2 plan can be executed with existing resources.

3 (2) In local governments where disaster and  
4 emergency services organizations receive state or federal  
5 funds, those organizations shall provide administrative  
6 and planning support to the committee as specified by the  
7 commissioner of the department.

8 (3) If state or federal funds are appropriated  
9 specifically to support emergency response planning or  
10 other portions of P.L. 99-499, the funds may be allocated  
11 to local disaster and emergency services organizations and  
12 may be expended as specified by the commissioner.

13 (4) Local governments may enact ordinances  
14 specifying standards which owners or operators of  
15 facilities must meet to provide warning of releases to  
16 workers and to the public which may be affected by a  
17 release.

18 SECTION 82. A NEW SECTION OF KRS CHAPTER 17A IS  
19 CREATED TO READ AS FOLLOWS:

20 (1) Plans developed under the guidance of the state  
21 commission shall be a part of the county emergency  
22 operations plan. The plans shall be consistent with the  
23 requirements and criteria prescribed by the state plan and  
24 shall emphasize a coordinated response by all local  
25 emergency response organizations.

26 (2) If, in the judgment of the commission, the local



1 plan is inadequate or is inconsistent with the state  
2 emergency operations plan, the local plan shall be  
3 returned to the committee and the committee shall revise  
4 the plan until approved by the commission.

5 (3) Local committees shall annually review and  
6 update, where appropriate, each plan and submit revisions  
7 to the commission.

8 SECTION 83. A NEW SECTION OF KRS CHAPTER 17A IS  
9 CREATED TO READ AS FOLLOWS:

10 After the state commission approves plans developed  
11 by each local emergency planning committee, emergency  
12 response organizations of each city, county, and  
13 urban-county government shall respond in a manner  
14 consistent with those plans.

15 SECTION 84. A NEW SECTION OF KRS CHAPTER 17A IS  
16 CREATED TO READ AS FOLLOWS:

17 Agencies of state government shall respond, within  
18 the confines of the state emergency operations plan and  
19 agency policies, to disasters, emergencies, and releases  
20 of hazardous substances. Each response shall be consistent  
21 with the state emergency operations plan. If an on-scene  
22 response is required by the state emergency operations  
23 plan or by agency policy, state agencies shall cooperate  
24 with one another, with local emergency response  
25 organizations, and with the party or parties responsible  
26 for the release.

1 SECTION 85. A NEW SECTION OF KRS CHAPTER 17A IS  
2 CREATED TO READ AS FOLLOWS:

3 Any claims against the commission or committees or  
4 their members shall be filed with the state Board of  
5 Claims in accordance with KRS Chapter 44.

6 SECTION 86. A NEW SECTION OF KRS CHAPTER 17A IS  
7 CREATED TO READ AS FOLLOWS:

8 When a release of a substance covered under Title  
9 III, P.L. 99-499 and administrative regulations adopted  
10 under this chapter occurs in a reportable quantity, the  
11 owner or operator of the facility where the release  
12 occurs, or the owner or operator of the vehicle  
13 transporting the hazardous substance, shall notify the  
14 local and state warning points within times established by  
15 administrative regulation. The regulations shall also  
16 specify information to be provided upon initial report and  
17 in written follow-up reports.

18 SECTION 87. A NEW SECTION OF KRS CHAPTER 17A IS  
19 CREATED TO READ AS FOLLOWS:

20 (1) The state commission shall, by administrative  
21 regulation issued by the department, establish warning and  
22 notification standards, which shall include, but not be  
23 limited to:

24 (a) The establishment of twenty-four (24) hour  
25 warning points;

26 (b) Public warning; and

1       (c) Notification of local emergency response  
2 organizations.

3       (2) Any notification made pursuant to Sections 69 to  
4 91 of this Act shall not relieve the facility owner or  
5 operator or other responsible party of any notification  
6 required by other state or federal laws or regulations.

7       SECTION 88. A NEW SECTION OF KRS CHAPTER 17A IS  
8 CREATED TO READ AS FOLLOWS:

9       The department shall, upon direction of the  
10 commission, issue administrative regulations requiring  
11 manufacturers, users, or storers of hazardous substances  
12 to report information concerning inventories and locations  
13 of the substances. These regulations shall use, by  
14 reference, lists of extremely hazardous substances and  
15 forms issued by the Federal Environmental Protection  
16 Agency and other organizations.

17       SECTION 89. A NEW SECTION OF KRS CHAPTER 17A IS  
18 CREATED TO READ AS FOLLOWS:

19       Upon request of the commission or local committee,  
20 facilities covered by the regulations as required in  
21 Section 88 of this Act shall, within the time periods  
22 prescribed by federal law, provide additional information  
23 necessary for developing and implementing the emergency  
24 plan about each substance to include, but not limited to,  
25 material safety data sheets.

26       SECTION 90. A NEW SECTION OF KRS CHAPTER 17A IS

1 CREATED TO READ AS FOLLOWS:

2 Reports to the commission or committee shall be  
3 available to the public upon request in accordance with  
4 the provisions of KRS 61.870 to 61.884 relating to open  
5 records, provided the information is not protected from  
6 release to the general public as a trade secret under  
7 federal law. Reasonable fees, consistent with KRS 61.874,  
8 may be charged for reproduction of the reports.

9 SECTION 91. A NEW SECTION OF KRS CHAPTER 17A IS  
10 CREATED TO READ AS FOLLOWS:

11 No section of Sections 69 to 91 of this Act shall be  
12 construed as repealing any other laws of the Commonwealth,  
13 but shall be held and construed as ancillary and  
14 supplemental thereto.

15 SECTION 92. A NEW SECTION OF KRS CHAPTER 17A IS  
16 CREATED TO READ AS FOLLOWS:

17 The Governor of this state is hereby authorized and  
18 directed to execute a compact on behalf of the  
19 Commonwealth of Kentucky with any of the United States  
20 legally joining therein in the form substantially as  
21 follows:

22 INTERSTATE EMERGENCY MANAGEMENT AND DISASTER COMPACT

23 The contracting states solemnly agree:

24 Article I

25 The purpose of this compact is to provide mutual aid  
26 among the states in meeting any emergency or disaster from

1 enemy attack or other cause (natural or otherwise)  
2 including sabotage and subversive acts and direct attacks  
3 by bombs, shellfire, and atomic, radiological, chemical,  
4 bacteriological means, and other weapons. The prompt, full  
5 and effective utilization of the resources of the  
6 respective states, including such resources as may be  
7 available from the United States government or any other  
8 source, are essential to the safety, care and welfare of  
9 the people thereof in the event of enemy action or other  
10 emergency, and any other resources, including personnel,  
11 equipment or supplies, shall be incorporated into a plan  
12 or plans of mutual aid to be developed among the emergency  
13 management agencies or similar bodies of the states that  
14 are parties hereto. The directors of emergency management  
15 of all party states shall formulate plans and take all  
16 necessary steps for the implementation of this compact.

#### 17 Article II

18 It shall be the duty of each party state to formulate  
19 emergency management plans and programs for application  
20 within such state. There shall be frequent consultation  
21 between the representatives of the states and with the  
22 United States government and the free exchange of  
23 information and plans, including inventories of any  
24 materials and equipment available for emergency  
25 management. In carrying out such plans and programs the  
26 party states shall so far as possible provide and follow

1 uniform standards, practices and rules and regulations  
2 including:

3 (a) Insignia, arm bands and any other distinctive  
4 articles to designate and distinguish the different  
5 emergency management services:

6 (b) Blackouts and practice blackouts, air raid  
7 drills, mobilization of emergency management forces and  
8 other tests and exercises:

9 (c) Warnings and signals for drills or attacks and  
10 the mechanical devices to be used in connection therewith:

11 (d) The effective screening or extinguishing of all  
12 lights and lighting devices and appliances:

13 (e) Shutting off water mains, gas mains, electric  
14 power connections and the suspension of all other utility  
15 services:

16 (f) All materials or equipment used or to be used  
17 for emergency management purposes in order to assure that  
18 such materials and equipment will be easily and freely  
19 interchangeable when used in or by any other party state:

20 (g) The conduct of civilians and the movement and  
21 cessation of movement of pedestrians and vehicular  
22 traffic, prior, during and subsequent to drills or attacks:

23 (h) The safety of public meetings or gatherings; and

24 (i) Mobile support units.

25 Article III

26 Any party state requested to render mutual aid shall

1 take such action as is necessary to provide and make  
2 available the resources covered by this compact in  
3 accordance with the terms hereof; provided that it is  
4 understood that the state rendering aid may withhold  
5 resources to the extent necessary to provide reasonable  
6 protection for such state. Each party state shall extend  
7 to the emergency management forces of any other party  
8 state, while operating within its state limits under the  
9 terms and conditions of this compact, the same powers  
10 (except that of arrest unless specifically authorized by  
11 the receiving state), duties, rights, privileges and  
12 immunities as if they were performing their duties in the  
13 state in which normally employed or rendering services.  
14 Emergency management forces will continue under the  
15 command and control of their regular leaders but the  
16 organizational units will come under the operational  
17 control of the emergency management authorities of the  
18 state receiving assistance.

#### 19 Article IV

20 Whenever any person holds a license, certificate or  
21 other permit issued by any state evidencing the meeting of  
22 qualifications for professional, mechanical or other  
23 skills, such person may render aid involving such skill in  
24 any party state to meet an emergency or disaster and such  
25 state shall give due recognition to such license,  
26 certificate or other permit as if issued in the state in

1 which aid is rendered.

2 Article V

3 No party state or its officers or employees rendering  
4 aid in another state pursuant to this compact shall be  
5 liable on account of any act or omission in good faith on  
6 the part of such forces while so engaged, or on account of  
7 the maintenance or use of any equipment or supplies in  
8 connection therewith.

9 Article VI

10 Inasmuch as it is probable that the pattern and  
11 detail of the mutual aid among two or more states may  
12 differ from that appropriate among other states party  
13 hereto, this instrument contains elements of a broad base  
14 common to all states, and nothing herein contained shall  
15 preclude any state from entering into supplementary  
16 agreements with another state or states. Such  
17 supplementary agreements may encompass, but shall not be  
18 limited to, provisions for evacuation and reception of  
19 injured and other persons, and the exchange of medical,  
20 fire, police, public utility, reconnaissance, welfare,  
21 transportation, and communications personnel, equipment  
22 and supplies.

23 Article VII

24 Each party state shall provide for the payment of  
25 compensation and death benefits to injured members of the  
26 emergency management forces of that state and the



1 representatives of deceased members of such forces in case  
2 such members sustain injuries or are killed while  
3 rendering aid pursuant to this compact, in the same manner  
4 and on the same terms as if the injury or death were  
5 sustained within such state.

6 Article VIII

7 Any party state rendering aid in another state  
8 pursuant to this compact shall be reimbursed by the party  
9 state receiving such aid for any loss or damage to, or  
10 expense incurred in the operation of any equipment  
11 answering a request for aid, and for the cost incurred in  
12 connection with such requests; provided, that any aiding  
13 party state may assume in whole or in part such loss,  
14 damage, expense, or other cost, or may loan such equipment  
15 or donate such services to the receiving party state  
16 without charge or cost; and provided further that any two  
17 or more party states may enter into supplementary  
18 agreements establishing a different allocation of costs as  
19 among those states. The United States government may  
20 relieve the party state receiving aid from any liability  
21 and reimburse the party state supplying emergency  
22 management forces for the compensation paid to and the  
23 transportation, subsistence and maintenance expenses of  
24 such forces during the time of the rendition of such aid  
25 or assistance outside the state and may also pay fair and  
26 reasonable compensation for the use or utilization of the

1 supplies, materials, equipment or facilities so utilized  
2 or consumed.

3 Article IX

4 Plans for the orderly evacuation and reception of the  
5 civilian population as the result of an emergency or  
6 disaster may be developed and revised as needed between  
7 representatives of the party states and the various local  
8 emergency management areas thereof. Such plans shall  
9 include the manner of transporting such evacuees, the  
10 number of evacuees to be received in different areas, the  
11 manner in which food, clothing, housing, and medical care  
12 will be provided, the registration of the evacuees, the  
13 providing of facilities for the notification of relatives  
14 or friends and the forwarding of such evacuees to other  
15 areas or the bringing in of additional materials,  
16 supplies, and all other relevant factors. Such plans shall  
17 provide that the party state receiving evacuees shall be  
18 reimbursed for the out-of-pocket expenses incurred in  
19 receiving and caring for such evacuees, for expenditures  
20 for transportation, food, clothing, medicines and medical  
21 care and like items. Such expenditures shall be reimbursed  
22 by the party state of which the evacuees are residents, or  
23 by the United States government under plans approved by  
24 it. After the termination of the emergency or disaster the  
25 party state of which the evacuees are resident shall  
26 assume the responsibility for the ultimate support or

1 repatriation of such evacuees.

2 Article X

3 This compact shall be available to any state,  
4 territory or possession of the United States, and the  
5 District of Columbia. The term "state" may also include  
6 any neighboring foreign country or province or state  
7 thereof.

8 Article XI

9 This compact shall become operative immediately upon  
10 its ratification by any state as between it and any other  
11 state or states so ratifying and shall be subject to  
12 approval by congress unless prior congressional approval  
13 has been given. Duly authenticated copies of this compact  
14 and of such supplementary agreements as may be entered  
15 into shall, at the time of their approval, be deposited  
16 with each of the party states and with the emergency  
17 management agency and other appropriate agencies of the  
18 United States government.

19 Article XII

20 This compact shall continue in force and remain  
21 binding on each party state until the legislature or the  
22 governor of such party state takes action to withdraw  
23 therefrom. Such action shall not be effective until 30  
24 days after notice thereof has been sent by the governor of  
25 the party state desiring to withdraw to the governors of  
26 all other party states.

Article XIII

1  
2       This compact shall be construed to effectuate the  
3 purposes stated in Article I hereof. If any provision of  
4 this compact is declared unconstitutional, or the  
5 applicability thereof to any person or circumstance is  
6 held invalid, the constitutionality of the remainder of  
7 this compact and the applicability thereof to other  
8 persons and circumstances shall not be affected thereby.

Article XIV

9  
10       (1) This Article shall be in effect only as among  
11 those states which have enacted it into law or in which  
12 the governors have adopted it pursuant to constitutional  
13 or statutory authority sufficient to give it the force of  
14 law as part of this compact. Nothing contained in this  
15 article or in any supplementary agreement made in  
16 implementation thereof shall be construed to abridge,  
17 impair or supersede any other provision of this compact or  
18 any obligation undertaken by a state pursuant thereto,  
19 except that if its terms so provide, a supplementary  
20 agreement in implementation of this article may modify,  
21 expand or add to any such obligation as among the parties  
22 to the supplementary agreement.

23       (2) In addition to the occurrences, circumstances  
24 and subject matters to which preceding articles of this  
25 compact make it applicable, this compact and the  
26 authorizations, entitlements and procedures thereof shall

1 apply to:

2 (a) Searches for and rescue of persons who are lost,  
3 marooned, or otherwise in danger.

4 (b) Action useful in coping with disasters arising  
5 from any cause or designed to increase the capability to  
6 cope with any such disasters.

7 (c) Incidents, or the imminence thereof, which  
8 endanger the health or safety of the public and which  
9 require the use of special equipment, trained personnel or  
10 personnel in larger numbers than are locally available in  
11 order to reduce, counteract or remove the danger.

12 (d) The giving and receiving of aid by subdivisions  
13 of party states.

14 (e) Exercises, drills, or other training or practice  
15 activities designed to aid personnel to prepare for, cope  
16 with, or prevent any disaster or other emergency to which  
17 this compact applies.

18 (3) Except as expressly limited by this compact or a  
19 supplementary agreement in force pursuant thereto, any aid  
20 authorized by this compact or such supplementary agreement  
21 may be furnished by any agency of a party state, a  
22 subdivision of such state, or by a joint agency providing  
23 such aid shall be entitled to reimbursement therefor to  
24 the same extent and in the same manner as a state. The  
25 personnel of such joint agency, when rendering aid  
26 pursuant to this compact shall have the same rights.

1 authority, and immunity as personnel of party states.

2 (4) Nothing in this article shall be construed to  
3 exclude from the coverage of Articles I to XIII of this  
4 compact any matter which, in the absence of this article,  
5 could reasonably be construed to be covered thereby.

6 SECTION 93. A NEW SECTION OF KRS CHAPTER 17A IS  
7 CREATED TO READ AS FOLLOWS:

8 The Governor is hereby authorized to take the actions  
9 necessary to effectuate the provisions of the compact set  
10 forth in Section 92 of this Act.

11 SECTION 94. A NEW SECTION OF KRS CHAPTER 17A IS  
12 CREATED TO READ AS FOLLOWS:

13 (1) Any person violating any provision of this  
14 chapter or any administrative regulation or order issued  
15 pursuant thereto for which another penalty is not  
16 specified shall be guilty of a Class A misdemeanor.

17 (2)(a) When a person violates Section 79, 80, 86, or  
18 89 of this Act, the commission chairman shall proceed  
19 against that person under paragraph (b) of this subsection  
20 or subsection (3) of this section but not both.

21 (b) Any person violating Section 79, 80, or 89 of  
22 this Act shall, upon the first conviction thereof, be  
23 fined not less than two hundred and fifty dollars (\$250)  
24 nor more than five hundred dollars (\$500). If any offense  
25 is continued for more than one (1) day, each day upon  
26 which the offense occurs or is continued shall be

1 considered and constitute a separate offense and a  
2 separate fine may be imposed therefor. Any person  
3 violating Section 79, 80, or 89 of this Act shall, upon  
4 subsequent convictions, be fined not less than five  
5 hundred dollars (\$500) nor more than one thousand dollars  
6 (\$1,000). If any offense is continued for more than one  
7 (1) day, each day upon which the offense occurs or is  
8 continued shall be considered and constitute a separate  
9 offense and a separate fine may be imposed therefor. Any  
10 person violating Section 86 of this Act shall, upon the  
11 first conviction thereof, be fined not less than one  
12 thousand dollars (\$1,000) nor more than twenty-five  
13 hundred dollars (\$2,500). If any offense is continued for  
14 more than one (1) day, each day upon which the offense  
15 occurs or is continued shall be considered and constitute  
16 a separate offense and a separate fine may be imposed  
17 therefor. Any person violating Section 86 of this Act  
18 shall, upon subsequent conviction, be fined not less than  
19 twenty-five hundred dollars (\$2,500) nor more than five  
20 thousand dollars (\$5,000). If any offense is continued for  
21 more than one (1) day, each day upon which the offense  
22 occurs or is continued shall be considered and constitute  
23 a separate offense and a separate fine may be imposed  
24 therefor.

25 (3) Any person violating any provision of Sections  
26 69 to 91 of this Act shall be assessed a civil penalty of

1 not less than two hundred and fifty dollars (\$250) nor  
2 more than five hundred dollars (\$500). If any violation is  
3 continued for more than one (1) day, each day upon which  
4 the violation occurs or is continued shall be considered  
5 and constitute a separate violation and a separate civil  
6 penalty may be imposed therefor.

7 (4) Funds generated under this section shall be  
8 deposited in the general fund.

9 Section 95. KRS 95A.020 is amended to read as  
10 follows:

11 (1) There is hereby created the Commission on Fire  
12 Protection Personnel Standards and Education, hereinafter  
13 called "commission" which shall be attached to the state  
14 fire marshal's office in the Department of Housing,  
15 Buildings and Construction.

16 (2) The commission shall be composed of sixteen (16)  
17 members, residents of the State of Kentucky, appointed by  
18 the Governor. Such members should be persons well  
19 qualified by experience or education in the field of fire  
20 protection or related fields.

21 (3) It is recommended that the membership of the  
22 commission include:

23 (a) Two (2) volunteer firemen;

24 (b) Two (2) paid firefighters;

25 (c) One (1) trustee of a volunteer fire department  
26 or fire district who is not a volunteer fireman;



1 (d) Two (2) fire chiefs of paid fire departments;  
2 (e) One (1) licensed and practicing physician;  
3 (f) One (1) teacher or administrator of vocational  
4 education;

5 (g) One (1) representative of the Department of  
6 Disaster and Emergency Services [Division of Disaster and  
7 Emergency Services of the Department of Military Affairs];

8 (h) One (1) mayor of a Kentucky city;

9 (i) One (1) county judge/executive;

10 (j) One (1) representative of Kentucky industry or  
11 business enterprise; and

12 (k) One (1) representative of the general public.

13 The Superintendent of Public Instruction and the state  
14 fire marshal, or their designees, shall serve as ex  
15 officio members of the commission. Their designees shall  
16 have full voting rights. Appointive members shall be  
17 appointed for a term of four (4) years, provided, however,  
18 that of the members first appointed, five (5) shall be  
19 appointed for a term of two (2) years, four (4) for a term  
20 of three (3) years, and four (4) for a term of four (4)  
21 years. After July 15, 1980, any member chosen by the  
22 Governor to fill a vacancy created otherwise than by  
23 expiration of term shall be appointed for the unexpired  
24 term of the member he is chosen to succeed.

25 (4) Members of the commission shall receive no  
26 compensation for their services but shall be allowed their

1 actual and necessary expenses incurred in the performance  
2 of their functions hereunder.

3 (5) Members of the commission appointed pursuant to  
4 this section shall first be appointed on July 15, 1980.  
5 The terms of members appointed earlier shall terminate on  
6 July 15, 1980, but the Governor may reappoint those  
7 members who qualify under the provisions of this section.

8 Section 96. KRS 186.1721 is amended to read as  
9 follows:

10 (1) Upon application to the county clerk of the  
11 county of his residence, any member of a local disaster  
12 and emergency services organization or volunteer rescue  
13 squad in the Commonwealth shall be issued a five (5) year  
14 license plate in the same form and character as license  
15 plates authorized by law to be used upon similar private  
16 vehicles registered in Kentucky, except that such license  
17 plates shall bear the inscription "Disaster and Emergency  
18 Services," a registration number and an appropriate  
19 standardized insignia. Each application shall be  
20 accompanied by proof of current service as furnished by  
21 the county judge/executive, mayor, or local emergency  
22 manager [~~disaster and emergency services coordinator~~],  
23 and the payment of a fee of twenty-five dollars (\$25).  
24 Annually thereafter, upon application to the county clerk  
25 of the county of his residence, together with proof of  
26 current service, and payment of an eleven dollar fifty

1 cent (\$11.50) registration fee, the clerk shall issue a  
2 current year renewal decal to the applicant to be affixed  
3 to the disaster and emergency services license plate  
4 originally issued to the applicant.

5 (2) Upon the sale, transfer or termination of lease  
6 of a vehicle licensed as authorized by subsection (1) of  
7 this section, the owner or lessee shall remove the  
8 disaster and emergency services license plate and return  
9 it and the certificate of registration to the county  
10 clerk. The county clerk shall issue a regular license  
11 plate and certificate of registration upon payment of an  
12 eleven dollar fifty cent (\$11.50) state fee and a two  
13 dollar (\$2) clerk's fee. When the plate has been presented  
14 to the clerk, he shall reissue it free from payment to the  
15 transportation cabinet for use on any other vehicle of the  
16 same class and category owned or leased by the same  
17 applicant to whom a disaster and emergency services  
18 license plate was originally issued.

19 (3) Upon termination of membership as a member of  
20 the disaster and emergency services organization or  
21 volunteer rescue squad, an applicant to whom a disaster  
22 and emergency services license plate was issued under this  
23 section shall, within thirty (30) days, return said plate  
24 to the county clerk of the county of his residence.

25 (4) For the services performed in issuing the  
26 disaster and emergency services license plate and in

1 annually issuing a current year renewal decal to be  
2 affixed to the disaster and emergency services license  
3 plate, the county clerk shall receive from each applicant  
4 a fee of two dollars (\$2). A one dollar (\$1) fee shall be  
5 charged for the reissuance of such license plate after the  
6 sale or transfer of the vehicle for which it was  
7 originally issued.

8 (5) Any applicant seeking a license plate according  
9 to this section for a vehicle provided to him pursuant to  
10 an occupation shall conform to the requirements set forth  
11 in KRS 186.050(14).

12 (6) Registration under this section shall expire  
13 December 31 of each year.

14 (7) The secretary of the transportation cabinet  
15 shall provide such forms as may be necessary to carry out  
16 the purpose of this section.

17 Section 97. KRS 189.910 is amended to read as  
18 follows:

19 (1) As used in KRS 189.920 to 189.950, "emergency  
20 vehicle" means any vehicle used for emergency purposes by  
21 a fire department; any vehicle used for emergency purposes  
22 by the State Police, a public police department,  
23 Corrections Cabinet vehicles or sheriff's office; any  
24 vehicle used for emergency purposes by a rescue squad; any  
25 publicly owned vehicle used for emergency purposes by a  
26 disaster and emergency services [civil defense] agency;

1 ambulances; any vehicle commandeered by a police officer;  
2 or any motor vehicle used by a paid or volunteer fireman  
3 or paid or volunteer ambulance personnel while responding  
4 to an emergency or to a location where an emergency  
5 vehicle is on emergency call.

6 (2) As used in KRS 189.920 to 189.950, "public  
7 safety vehicle" means public utility repair vehicle;  
8 wreckers; state, county, or municipal service vehicles and  
9 equipment; highway equipment which performs work that  
10 requires stopping and standing or moving at slow speeds  
11 within the traveled portions of highways; and vehicles  
12 which are escorting wide-load or slow-moving trailers or  
13 trucks.

14 Section 98. KRS 189.920 is amended to read as  
15 follows:

16 (1) All fire department, rescue squad or publicly  
17 owned disaster and emergency services [~~civil defense~~]  
18 agency emergency vehicles and all ambulances shall be  
19 equipped with one (1) or more flashing, rotating, or  
20 oscillating red lights, visible under normal atmospheric  
21 conditions from a distance of five hundred (500) feet to  
22 the front of the [~~such~~] vehicle, and a siren, whistle,  
23 or bell, capable of emitting a sound audible under normal  
24 conditions from a distance of not less than five hundred  
25 (500) feet. This equipment shall be in addition to any  
26 other equipment required by the motor vehicle laws.

1           (2) All state, county, or municipal police vehicles  
2 and all sheriffs' vehicles used as emergency vehicles  
3 shall be equipped with one (1) or more flashing, rotating,  
4 or oscillating blue lights, visible under normal  
5 atmospheric conditions from a distance of five hundred  
6 (500) feet to the front of ~~the~~ [sic] vehicle, and a  
7 siren, whistle, or bell, capable of emitting a sound  
8 audible under normal conditions from a distance of not  
9 less than five hundred (500) feet. This equipment shall be  
10 in addition to any other equipment required by the motor  
11 vehicle laws.

12           (3) By ordinance, the governing body of any city or  
13 county may direct that the police or sheriffs' vehicles in  
14 that jurisdiction be equipped with a combination of red  
15 and blue flashing, rotating, or oscillating lights.

16           (4) All public safety vehicles shall be equipped  
17 with one (1) or more flashing, rotating, or oscillating  
18 yellow lights, visible under normal atmospheric conditions  
19 from a distance of five hundred (500) feet to the front of  
20 such vehicle. Yellow flashing, rotating, or oscillating  
21 lights may also be used by vehicles operated by mail  
22 carriers while on duty, funeral escort vehicles, and  
23 church buses.

24           (5) All Corrections Cabinet vehicles used as  
25 emergency vehicles shall be equipped with one (1) or more  
26 flashing, rotating, or oscillating blue lights, visible

1 under normal atmospheric conditions from a distance of  
2 five hundred (500) feet to the front of the [such]  
3 vehicle. The [such] Corrections Cabinet vehicles shall  
4 not be equipped with or use a siren, whistle or bell. The  
5 equipment prescribed by this subsection shall be in  
6 addition to any other equipment required by motor vehicle  
7 laws.

8 (6) Red flashing lights may be used by school buses.

9 (7) No emergency vehicle, public safety vehicle, or  
10 any other vehicle covered by KRS 189.910 to 189.950 shall  
11 use any light of any other color than those specified by  
12 KRS 189.910 to 189.950. Sirens, whistles, and bells may  
13 not be used by vehicles other than those specified by KRS  
14 189.910 to 189.950, except that any vehicle may be  
15 equipped with a theft alarm signal device which is so  
16 arranged that it cannot be used by the driver as an  
17 ordinary warning signal.

18 Section 99. KRS 304.18-060 is amended to read as  
19 follows:

20 "Blanket health insurance" is that form of health  
21 insurance covering groups of persons as enumerated in one  
22 (1) of the following subsections under a policy or  
23 contract issued to:

24 (1) Any common carrier or to any operator, owner, or  
25 lessee of a means of transportation, who or which shall be  
26 deemed the policyholder, covering a group of persons who

1 may become passengers defined by reference to their travel  
2 status on the [such] common carrier or the [such]  
3 means of transportation.

4 (2) An employer, who shall be deemed the  
5 policyholder, covering any group of employees, dependents,  
6 or guests, defined by reference to specified hazards  
7 incident to an activity or activities or operations of the  
8 policyholder.

9 (3) A college, school, or other institution of  
10 learning, a school district or districts, or  
11 school jurisdictional unit, or to the head,  
12 principal, or governing board of any such educational  
13 unit, who or which shall be deemed the policyholder,  
14 covering students, teachers, or employees.

15 (4) A religious, charitable, recreational,  
16 educational, or civic organization, or branch thereof,  
17 which shall be deemed the policyholder covering any group  
18 of members or participants defined by reference to  
19 specified hazards incident to an activity or activities or  
20 operations sponsored or supervised by the [such]  
21 policyholder.

22 (5) A sports team, camp, or sponsor thereof, which  
23 shall be deemed the policyholder, covering members,  
24 campers, employees, officials, or supervisors.

25 (6) A volunteer fire department, first aid, disaster  
26 and emergency services, [civil defense] or other such



1 volunteer organization, which shall be deemed the  
2 policyholder, covering any group of members or  
3 participants defined by reference to specified hazards  
4 incident to an activity or activities or operations  
5 sponsored or supervised by the [~~such~~] policyholder.

6 (7) A newspaper or other publisher, which shall be  
7 deemed the policyholder, covering its carriers.

8 (8) An association, including a labor union, which  
9 has a constitution and bylaws and which has been organized  
10 and is maintained in good faith for purposes other than  
11 that of obtaining insurance, which shall be deemed the  
12 policyholder, covering any group of members or  
13 participants defined by reference to specified hazards  
14 incident to an activity or activities or operations  
15 sponsored or supervised by the [~~such~~] policyholder.

16 (9) Any other person or group covering any other  
17 risk or class of risks which, in the discretion of the  
18 commissioner, may be properly eligible for blanket health  
19 insurance. The discretion of the commissioner may be  
20 exercised on an individual risk basis or class of risks,  
21 or both.

22 Section 100. KRS 342.140 is amended to read as  
23 follows:

24 The average weekly wage of the injured employee at  
25 the time of the injury or last injurious exposure shall be  
26 determined as follows:

1 (1) If at the time of the injury which resulted in  
2 death or disability or the last date of injurious exposure  
3 preceding death or disability from an occupational disease:

4 (a) The wages were fixed by the week, the amount so  
5 fixed shall be the average weekly wage;

6 (b) The wages were fixed by the month, the average  
7 weekly wage shall be the monthly wage so fixed multiplied  
8 by twelve (12) and divided by fifty-two (52);

9 (c) The wages were fixed by the year, the average  
10 weekly wage shall be the yearly wage so fixed divided by  
11 fifty-two (52);

12 (d) The wages were fixed by the day, hour, or by the  
13 output of the employee, the average weekly wage shall be  
14 the wage most favorable to the employee computed by  
15 dividing by thirteen (13) the wages, [{}not including  
16 overtime or premium pay, {}] of the [said] employee  
17 earned in the employ of the employer in the first, second,  
18 third, or fourth period of thirteen (13) consecutive  
19 calendar weeks in the fifty-two (52) weeks immediately  
20 preceding the injury.

21 (e) The employee had been in the employ of the  
22 employer less than thirteen (13) calendar weeks  
23 immediately preceding the injury, his average weekly wage  
24 shall be computed under paragraph (d), taking the wages,  
25 [{}not including overtime or premium pay, {}] for such  
26 purpose to be the amount he would have earned had he been

1 so employed by the employer the full thirteen (13)  
2 calendar weeks immediately preceding the injury and had  
3 worked, when work was available to other employees in a  
4 similar occupation.

5 (f) The hourly wage has not been fixed or cannot be  
6 ascertained, the wage for the purpose of calculating  
7 compensation shall be taken to be the usual wage for  
8 similar services where the [~~such~~] services are rendered  
9 by paid employees.

10 (2) In occupations which are exclusively seasonal  
11 and therefore cannot be carried on throughout the year,  
12 the average weekly wage shall be taken to be one-fiftieth  
13 (1/50) of the total wages which the employee has earned  
14 from all occupations during the twelve (12) calendar  
15 months immediately preceding the injury.

16 (3) In the case of volunteer firemen, police, and  
17 disaster and emergency services [~~civil defense~~] members  
18 or trainees, the income benefits shall be based on the  
19 average weekly wage in their regular employment.

20 (4) If the employee was a minor, apprentice, or  
21 trainee when injured, and it is established that under  
22 normal conditions his wages should be expected to increase  
23 during the period of disability, that fact may be  
24 considered in computing his average weekly wage.

25 (5) When the employee is working under concurrent  
26 contracts with two (2) or more employers and the defendant

1 employer has knowledge of such employment prior to the  
2 injury, his wages from all such employers shall be  
3 considered as if earned from the employer liable for  
4 compensation.

5 (6) The term "wages" as used in this section and KRS  
6 342.143 means, in addition to money payments for services  
7 rendered, the reasonable value of board, rent, housing,  
8 lodging, and fuel or similar advantage received from the  
9 employer, and gratuities received in the course of  
10 employment from others than the employer to the extent the  
11 [~~such~~] gratuities are reported for income tax purposes.

12 (7) The board shall, from time to time, based upon  
13 the best available information, determine by regulation  
14 industries which ordinarily do not have a full working day  
15 for five (5) days in every week. In these [~~such~~]  
16 industries, compensation shall be computed at the average  
17 weekly wage earned by the employee at the time of injury  
18 reckoning wages as earned while working full time. "At  
19 full time" [~~as used herein~~] means a full working day for  
20 five (5) working days in every week regardless of whether  
21 the injured employee actually worked all or part of the  
22 time.

23 Section 101. KRS 342.640 is amended to read as  
24 follows:

25 The following shall constitute employees subject to  
26 the provisions of this chapter, except as exempted under

1 KRS 342.650:

2 (1) Every person, including a minor, whether  
3 lawfully or unlawfully employed, in the service of an  
4 employer under any contract of hire or apprenticeship,  
5 express or implied, and all helpers and assistants of  
6 employees whether paid by the employer or employee, if  
7 employed with the knowledge, actual or constructive, of  
8 the employer;

9 (2) Every executive officer of a corporation;

10 (3) Every person in the service of the state or of  
11 any political subdivision or agency thereof, or of any  
12 county, city of any class, school district, drainage  
13 district, tax district, public or quasi-public  
14 corporation, or other political entity, under any contract  
15 of hire, express or implied, and every official or officer  
16 thereof, whether elected or appointed, while performing  
17 his official duties. Every person who is a member of a  
18 volunteer ambulance service, fire or police department  
19 shall be deemed for the purposes of this chapter, to be in  
20 the employment of the political subdivision of the state  
21 where the department is organized. Every person who is a  
22 regularly enrolled volunteer member or trainee of a  
23 disaster and emergency services organization, or local  
24 emergency management office [~~the civil defense corps of~~  
25 ~~this state~~] as established under KRS Chapter 17A[39],  
26 shall be deemed for the purposes of this chapter, to be in

1 the employment of this state. Every person who is a member  
2 of the Kentucky National Guard, while the [said] person  
3 is on active state service as defined in KRS 38.010(4),  
4 shall be deemed for the purposes of this chapter to be in  
5 the employment of this state;

6 (4) Every person performing service in the course of  
7 the trade, business, profession, or occupation of an  
8 employer at the time of the injury; and

9 (5) Subject to the provisions in subsection (4) of  
10 this section, every person regularly selling or  
11 distributing newspapers on the street or to customers at  
12 their homes or places of business. For the purposes of  
13 this chapter, the [such a] person shall be deemed an  
14 employee of an independent news agency for whom he is  
15 selling or distributing newspapers, or, in the absence of  
16 such independent agency, of each publisher whose  
17 newspapers he sells or distributes.

18 Section 102. KRS 432.570 is amended to read as  
19 follows:

20 (1) It shall be unlawful for any person except a  
21 member of a police department or police force or an  
22 official with written authorization from the head of a  
23 department which regularly maintains a police radio system  
24 authorized or licensed by the Federal Communications  
25 Commission, to have in his or her possession, or in an  
26 automobile or other vehicle, or to equip or install in or

1 on any automobile or other vehicle, any mobile radio set  
2 or apparatus capable of either receiving or transmitting  
3 radio or other messages or signals within the wave length  
4 or channel now or which may hereafter be allocated by the  
5 Federal Communications Commission, or its successor, for  
6 the purpose of police radios, or which may in any way  
7 intercept or interfere with the transmission of radio  
8 messages by any police or other peace officers. [~~and~~] It  
9 shall be unlawful for any car, automobile, or other  
10 vehicle other than one (1) publicly owned and entitled to  
11 an official license plate issued by the state issuing a  
12 license for the [~~said~~] car, to have, or be equipped with  
13 such sets or apparatus even though the [~~said~~] car is  
14 owned by an officer. [~~Provided, however,~~] The provisions  
15 of this section shall not apply to any automobile or other  
16 vehicle owned or operated by a member of a sheriff's  
17 department authorized by the fiscal court to operate a  
18 radio communications system that is licensed by the  
19 Federal Communications Commission or other federal agency  
20 having the authority to license same.

21 (2) Any person guilty of violating any of the  
22 provisions of this section shall be guilty of a  
23 misdemeanor, and, upon conviction, shall be punished by a  
24 fine of not less than fifty dollars (\$50) and not  
25 exceeding five hundred dollars (\$500), or imprisonment not  
26 exceeding twelve (12) months, or both so fined and

1 imprisoned.

2 (3) It shall be the duty of any and all peace  
3 officers to seize and hold for evidence any and all  
4 equipment had or used in violation of the provisions of  
5 this section; [ / ] and, upon conviction of the person  
6 having, equipping or using the [such] equipment, it  
7 shall be the duty of the trial court to order the [such]  
8 equipment or apparatus destroyed, forfeited or escheated  
9 to the Commonwealth of Kentucky. The [ / and said ]  
10 property may be ordered destroyed, forfeited, or escheated  
11 as above provided without a conviction of the person  
12 charged with violating this section.

13 (4) Nothing contained in this section shall prohibit  
14 the possession of a radio by:

15 (a) An individual who is a retailer or wholesaler  
16 and in the ordinary course of his business offers the  
17 [such] radios for sale or resale;

18 (b) A commercial or educational radio or television  
19 station, licensed by the Federal Communications  
20 Commission, at its place of business; or

21 (c) An individual who possesses such a radio,  
22 provided it is capable of receiving radio transmissions  
23 only and is not capable of sending or transmitting radio  
24 messages, at his place of residence; licensed commercial  
25 auto towing trucks; newspaper reporters and photographers,  
26 disaster and emergency services personnel authorized in



1 writing by the commissioner [~~state director~~] of disaster  
 2 and emergency service, [(for state personnel,)] or  
 3 chief executive of the city or county, [(for their  
 4 respective personnel,)]; peace officers authorized in  
 5 writing by the head of their law enforcement agency,  
 6 Commonwealth's attorneys and their assistants, county  
 7 attorneys and their assistants, except that it shall be  
 8 unlawful to use such radio to facilitate any criminal  
 9 activity or to avoid apprehension by law enforcement  
 10 officers. Violation of this section shall, in addition to  
 11 any other penalty prescribed by law, result in a  
 12 forfeiture to the local law enforcement agency of such  
 13 radio.

14 (5) The secretary of the Finance and Administration  
 15 Cabinet may, [~~is hereby empowered~~] by issuance of a  
 16 secretary's order, [to] exempt from the prohibitions and  
 17 penalties of this section the possession and use of any  
 18 and all radio communication equipment that he finds is  
 19 necessary to be owned and used by members of the general  
 20 public and other non-police persons for utilization in the  
 21 N.O.A.A. weather radio system.

22 SECTION 103. A NEW SECTION OF KRS CHAPTER 17A IS  
 23 CREATED TO READ AS FOLLOWS:

24 (1) The commissioner shall be appointed by the  
 25 Governor on August 1, 1992.

26 (2) The commissioner shall start interviewing

1 persons for staff positions after August 1, 1992.

2 (3) Personnel identified by the commissioner shall  
3 report for training October 1, 1992, but shall not enter  
4 into the full duties of their position until January 1,  
5 1993.

6 (4) Until January 1, 1993, the existing personnel of  
7 the Division of Disaster and Emergency Services of the  
8 Department of Military Affairs shall retain the full  
9 duties of their respective positions; however, they shall  
10 cooperate fully with the commissioner in the training of  
11 personnel for the department.

12 (5) The commissioner may employ existing personnel  
13 of the Division of Disaster and Emergency Services of the  
14 Department of Military Affairs. Training for these  
15 personnel may be adjusted to meet their schedules and  
16 their current level of training.

17 (6) As of January 1, 1993, all job positions within  
18 the Division of Disaster and Emergency Services of the  
19 Department of Military Affairs shall be abolished.

20 (7) As of January 1, 1993, or at such earlier time  
21 as may be mutually agreed upon by the adjutant general and  
22 the commissioner, all personal property assigned to the  
23 Division of Disaster and Emergency Services of the  
24 Department of Military Affairs shall be transferred to the  
25 department. As of July 15, 1992, no personal property of  
26 the Division of Disaster and Emergency Services of the

1 Department of Military Affairs shall be transferred, sold,  
 2 or otherwise disposed of, except to the department,  
 3 without the written consent of the commissioner.

4 (8) Officers of area coordinators which are housed  
 5 in National Guard Armory facilities as of July 15, 1992,  
 6 shall remain housed in the armory until and unless the  
 7 department determines that they should be moved.

8 (9) The Department of Military Affairs shall not  
 9 charge rent to the department for use of National Guard  
 10 Armories by the department's area coordinators unless it  
 11 is provided for in the biennial appropriations act or in a  
 12 supplemental appropriation. Utilities verifiable by  
 13 separate metering shall be paid by the department.

14 (10) The provisions of KRS Chapter 12 to the  
 15 contrary notwithstanding, the Governor shall not have the  
 16 power to reorganize the department by executive order or  
 17 other similar action until January 1, 1998. The Governor  
 18 may recommend reorganization at any regular or special  
 19 session of the General Assembly prior to that time.

20 Section 104. The following KRS sections are repealed:

21 39.400 Necessity for and purpose of provisions for  
 22 disaster and emergency response.

23 39.401 Definitions.

24 39.407 Powers of adjutant general.

25 39.408 Executive orders.

26 39.409 Emergency powers of Governor, mayors, and

1 county judges/executive.

2 39.410 Compensation for property taken for temporary  
3 use -- Notice to owner of property where title is taken.

4 39.411 Board of Claims to fix compensation if amount  
5 is in dispute.

6 39.412 Appeal from award of Board of Claims.

7 39.413 Procedure for payment of compensation.

8 39.414 Local mutual aid arrangements -- Assistance  
9 in negotiation of reciprocal agreements with adjoining  
10 states or their political subdivisions.

11 39.415 Local government to establish organizations  
12 -- Functions -- Areawide organizations -- Director, term,  
13 qualifications, duties, salary.

14 39.416 Disaster and emergency response powers of  
15 counties, urban-county governments, and cities.

16 39.417 Powers of county, metropolitan government,  
17 and city employees.

18 39.418 Reimbursement for loss, damage or expense --  
19 Notice of claim -- Reimbursement where aid rendered  
20 outside state.

21 39.419 Owners of real estate used for sheltering  
22 persons not civilly liable for death, injury, loss or  
23 damage.

24 39.423 Investigative powers of governor -- Subpoena.

25 39.424 Traffic control plans -- Executive orders.

26 39.425 Powers of Governor concerning lease or loan

1 of state property.

2 39.426 Powers of political subdivision to contract  
3 with state for lease or loan of property.

4 39.427 Orders, rules and regulations.

5 39.429 Power of arrest for violation of orders,  
6 rules or regulations.

7 39.430 Authority to receive services, equipment,  
8 supplies, materials and funds from federal government.

9 39.431 Political activity forbidden.

10 39.432 Qualifications and oath of persons connected  
11 with disaster and emergency response organizations.

12 39.433 Exemption from liability.

13 39.450 Authority to execute Interstate Emergency  
14 Management and Disaster Compact.

15 39.460 Governor's actions under compact.

16 39.470 Policy for disaster and emergency services  
17 organizations.

18 39.480 Allocation of state funds.

19 39.481 Purpose of supplementary state fund.

20 39.482 State officers and their duties -- Funds to  
21 local units.

22 39.483 Criteria for funding local disaster and  
23 emergency services organizations.

24 39.484 Request for financial aid -- Review and  
25 evaluation criteria.

26 39.485 Reimbursement -- Claims and equipment

1 purchase.

2 39.486 Performance evaluation -- Appeal process.

3 39.487 Requests for waiver of requirements.

4 39.490 Administration of supplementary state funding

5 -- Power to make rules and regulations.

6 39.600 Unit of Civil Air Patrol.

7 39.610 Functions of unit.

8 39.620 Coordination with federal government.

9 39.630 Restrictions on use of appropriated funds.

10 39.700 Rescue squads.

11 39.710 Rescue Aid Program -- Purpose.

12 39.720 Rescue aid fund -- State officials' duties --

13 Local officials' duties.

14 39.730 Requirements for rescue grant funding --

15 Written standard operating procedures -- Bylaws -- Rescue

16 vehicle -- Membership -- Training -- Affiliation --

17 Service fee prohibited.

18 39.740 Rescue and project funding -- Application and

19 review process.

20 39.750 Purchase disposal and inspection of equipment

21 -- Audit of funds.

22 39.760 Reports of lost, stolen or damaged equipment,

23 or loss of capability to operate -- Quarterly incident and

24 training reports -- Cumulative list of equipment.

25 39.770 Workers' compensation coverage -- Limitation

26 on -- Enrollment.

1           39.800 Kentucky Emergency Response Commission  
2 established -- General purposes.

3           39.805 Definitions.

4           39.810 Membership -- Meetings -- Reimbursement for  
5 meetings.

6           39.815 Duties of commission -- Appointment of local  
7 committees mandatory.

8           39.817 Fees -- Trust and agency account.

9           39.820 Permissive activities of commission.

10          39.825 Administrative support by Division of  
11 Disaster and Emergency Services -- Protection of federal  
12 funds -- Issuance of administrative regulations.

13          39.830 Local planning district boundaries.

14          39.835 Local emergency planning committees --  
15 Relationship to state commission.

16          39.840 Duties of local emergency planning committees  
17 -- Terms of members -- Enforcement procedures.

18          39.845 Identification of covered facilities --  
19 Reporting to public agencies.

20          39.850 Naming of facility representative -- Liaison  
21 duties.

22          39.855 Organizations required to participate in  
23 local planning process -- Adoption of local ordinances.

24          39.860 Plan development, approval and review.

25          39.865 Response to be consistent with plan.

26          39.870 State agency response.

- 1           39.875 Claims to be filed with Board of Claims.
- 2           39.880 Report of release of substance.
- 3           39.885 Establishment of warning and notification  
4 standards.
- 5           39.890 Report of inventories and locations of  
6 extremely hazardous substances.
- 7           39.895 Additional information may be required.
- 8           39.900 Reports available to public -- Protection of  
9 trade secrets.
- 10          39.905 KRS 39.800 to 39.905 supplemental to other  
11 laws.
- 12          39.990 Penalties.
- 13          Section 105. For the purposes of Section 71 of this  
14 Act, the existing members of the Kentucky Emergency  
15 Response Commission created by KRS 39.810 shall continue  
16 in office for the remainder of their existing terms as the  
17 membership of the Kentucky Emergency Response Commission  
18 established by Section 69 of this Act.





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