

CHAPTER 68

(SB 46)

AN ACT relating to homeland security and declaring an emergency.

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

Section 1. KRS 36.224 is amended to read as follows:

- (1) The Office for Security Coordination is hereby created in the Department of Military Affairs. The Office for Security Coordination shall be headed by an executive director who shall be appointed by the Governor upon the recommendation of the adjutant general.
- (2) The Office for Security Coordination shall coordinate a comprehensive statewide security strategy. The Office for Security Coordination shall coordinate the executive branch's efforts to secure and protect personnel, assets, and facilities within the Commonwealth of Kentucky.
- (3) *The Office for Security Coordination shall maintain a record of all federal homeland security funding, including grants, received in Kentucky. The record shall identify, at a minimum, the specific federal source, the amount, the specific recipient, the intended use of the funding, the actual use, and any unspent amount.*
 - (a) *Not later than August 15 of each year, each department headed by an elected officer, as identified in KRS 12.020I., each cabinet headed by an appointed officer, as identified in KRS 12.020II., and each department headed by an appointed officer, as identified in KRS 12.020III., shall submit to the Office for Security Coordination a record of all federal homeland security funding, including grants, received by the cabinet or department during the fiscal year starting with the fiscal year ending June 30, 2003. The record shall identify, at a minimum, the specific federal source, the amount, the specific recipient, the intended use of the funding, the actual use, and any unspent amount.*
 - (b)
 1. *Not later than August 15 of each year, the Department for Local Government shall submit to the Office for Security Coordination a record of all federal homeland security funding, including grants, received by each city, county, urban-county, charter county, and consolidated local government, including public safety agencies thereof, within Kentucky during each fiscal year starting with the fiscal year ending June 30, 2003. The record shall identify, at a minimum, the specific federal source, the amount, the specific recipient, the intended use of the funding, the actual use, and any unspent amount. The Department for Local Government shall group the units of local government by area development district.*
 2. *Not later than August 1 of each year, each area development district shall submit to the Department for Local Government a record of all federal homeland security funding, including grants, received by each city, county, urban-county, charter county, and consolidated local government, including public safety agencies thereof, within that area development district during each fiscal year starting with the fiscal year ending June 30, 2003. The record shall identify, at a minimum, the specific federal source, the amount, the specific recipient, the intended use of the funding, the actual use, and any unspent amount.*

- (c) ***Not later than September 1 of each year, the Office for Security Coordination shall submit the records gathered under this subsection to the Auditor of Public Accounts.***

Section 2. KRS 39A.287 is amended to read as follows:

The adjutant general, as executive head of the Department of Military Affairs and the Division of Emergency Management, utilizing federal funds and existing agency funds, shall:

- (1) Establish and chair an interagency working group comprised of state and private agencies to help identify risks and needs and make a complete assessment of the preparedness of the Commonwealth to respond to acts of war or terrorism, including nuclear, biological, chemical, agro, eco, electromagnetic pulse, or cyber terrorism;
- (2) Collaborate with state and participating private agencies to submit a written preliminary report prior to December 31, 2002, to the Governor, the Legislative Research Commission, and the Interim Joint Committee on Seniors, ***Veterans***, Military Affairs, and Public ***Protection***~~[Safety]~~ regarding the findings of the assessment of the preparedness of the Commonwealth to respond to acts of war or terrorism, including nuclear, biological, chemical, agro, eco, electromagnetic pulse, or cyber terrorism;
- (3) Develop and implement statewide strategies to respond to acts of war or terrorism, including nuclear, biological, chemical, agro, eco, electromagnetic pulse, or cyber terrorism based upon the information obtained in the needs assessment;
- (4) Provide information explaining how individuals and private organizations, including volunteer and religious organizations, can best prepare for and respond to incidents contemplated by this section and to other threatened, impending, or declared emergencies and whom to contact should they desire to volunteer help or services during such an emergency. The program shall identify and encourage these private organizations to specifically commit to provide food, shelter, personnel, equipment, materials, consultation and advice, or any other services needed to respond to these incidents; and
- (5)
 - (a) Annually assess and update the capability for readiness specified in this section, subject to the continued availability of federal and agency funds. The assessment shall identify the priority of needs, areas of improvement, and the overall progress made in attaining the goals and needs identified in the initial study and in its annual report. ***The assessment shall also include the record of all federal homeland security funding, including grants, gathered under subsection (3) of Section 1 of this Act since the last annual assessment as well as any other relevant homeland security funding information gathered by the adjutant general and the Office for Security Coordination. The record shall identify, at a minimum, the specific federal source, the amount, the specific recipient, the intended use of the funding, the actual use of the funding, and any unspent amount.*** The report shall be submitted to the parties specified in subsection (2) of this section ***and the Auditor of Public Accounts*** not later than ***September 15***~~[December 31]~~ of each year.
 - (b) ***The Auditor of Public Accounts may conduct examination of revenues and expenditures provided under the annual assessment and under subsection (3)(c) of Section 1 of this Act and, if examination findings warrant, may conduct audits. No later than January 30, the Auditor shall submit all examination and audit reports to the Senate Veterans, Military Affairs, and Public Protection Committee and the House Seniors, Military Affairs, and Public Safety Committee.***

Section 3. Whereas Kentucky's homeland security should be enhanced as fast as possible, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved March 18, 2003