

DEPARTMENT OF MILITARY AFFAIRS
Division of Emergency Management
(New Administrative Regulation)

106 KAR 1:141. Emergency management funding.

RELATES TO: KRS 39A.050(2)(i)-(j), 39C.010, 42 U.S.C. 5170(c), 5172, 5173, 5196, 50 U.S.C. 1521

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3), 39C.100, 42 U.S.C. 5170(c), 5172, 5173, 5196, 50 U.S.C. 1521

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39A.050(2)(i) and (j) require the division to provide funds to a city, county, or charter county government to support a local emergency management agency and comprehensive emergency management program. This administrative regulation establishes eligibility requirements of a city, county, urban-county, or charter county government for emergency management funding.

Section 1. Definitions.

- (1) "Applicant" means a local emergency management agency of a city, county, urban-county, or charter county government established pursuant to KRS 39B.010 and 106 KAR 1:231.
- (2) "Emergency management funding" means the funds defined in subsections (3), (4), (5), and (6) of this section.
- (3) "Chemical Stockpile Emergency Preparedness Program Fund" means the funding established in 50 U.S.C. 1521.
- (4) "Federal Disaster and Emergency Assistance Fund" means the funding granted to the division by the Federal Emergency Management Agency, under 42 U.S.C. 5170(c), 5172, and 5173.
- (5) "Federal Emergency Management Assistance Fund" means the funding granted to the division by the Federal Emergency Management Agency, under 42 U.S.C. 5196.
- (6) "Supplementary State Fund" means the fund established in KRS 39C.010 and 39C.020.

Section 2. Eligibility.

- (1) To be eligible for emergency management funding, a city, county, urban-county, or charter-county government shall:
 - (a) Submit documentation of the establishment of a local emergency management agency pursuant to 106 KAR 1:231;
 - (b) Submit documentation of the appointment of a local director pursuant to 106 KAR 1:241;
 - (c) Submit a signed memorandum of agreement issued by the Division of Emergency Management;
 - (d) Apply for emergency management funding through a local director who shall:
 1. Ensure use of an appropriate application form provided by the Division of Emergency Management;
 2. Ensure the official name of a local emergency management agency is used to specify the applicant in an application;
 3. Exercise signatory authority established in KRS 39B.030(9) to execute an application and a memorandum of agreement issued by the Division of Emergency Management;
 4. Maintain a file of an application and supporting material; and
 5. Submit applications, memoranda of agreement, and supporting materials prepared for the city, county, urban-county, or charter-government.

(2) A local director shall submit the materials required in subsection (1) of this section to an area manager, or as directed by the Division of Emergency Management, for transmittal to the director.

Section 3. Compliance Requirements.

(1) In maintaining eligibility of a city, county, urban-county, or charter-county government for emergency management funding, a local emergency management agency shall comply with 106 KAR 1:171, 201, 211, and 221.

(2) Failure to comply with applicable federal and state requirements may prevent city, county, urban-county, or charter-governments from receiving reimbursement funding for emergency management programs.

This is to certify that The Adjutant General (TAG) has reviewed and approved this administrative regulation prior to its adoption, as required by KRS 39A.070(3).

HALDANE B. LAMBERTON, Major General, KYNG, Adjutant General

JEREMY C. SLINKER, Director

CHARLES T. JONES, Brigadier General US Army (Ret), Executive Director

APPROVED BY AGENCY: June 7, 2022

FILED WITH LRC: June 15, 2022 at 10:20 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, August 24, 2022, at 9:00 a.m. Eastern Time at 100 Minuteman Parkway, Bldg. 100, Room 202 (EOC 2nd Floor Conference Room) Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Corey Ann Howard Jackson, Legislative Liaison and Policy Specialist, Department of Military Affairs, 100 Minuteman Parkway, Frankfort, Kentucky 40601, phone (502) 330-3323, fax (502) 607-1240, email corey.a.jackson23.nfg@army.mil.