

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

106 KAR 1:231. Local emergency management agency ordinance requirement.

RELATES TO: KRS 39B.010, 39B.990

STATUTORY AUTHORITY: KRS 39A.050(2)(m), 39A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39B.010(1) requires each city, county, charter county, or urban-county government create a local emergency management agency. This administrative regulation establishes the requirements to be met by a governing body of a city, county, charter county, or urban-county government to develop and pass a local emergency management agency ordinance.

Section 1. Ordinance Provisions.

(1) The governing body of a city, county, charter county, or urban-county Government shall pass a local ordinance pertaining to local emergency management agency creation, as established in KRS 39B.010.

(2) A local ordinance passed pursuant to subsection (1) of this section shall:

(a) Include the term "emergency management" in the title of the local ordinance; and

(b) Include provisions which specify:

1. The official name of a local emergency management agency created in the local ordinance;
2. The functional and operational organization of a local emergency management agency consistent with KRS 39B.010;
3. The establishment and use of a local emergency management agency budget account consistent with KRS 39B.010(3);
4. The powers and responsibilities of a local emergency management agency;
5. The powers, authorities, rights, and duties of a local emergency management agency director appointed pursuant to KRS 39B.020, including all the powers, duties, rights, and authorities established in KRS 39B.030; and
6. Ordinance enforcement, including the establishment of penalties for violation of the local ordinance.

Section 2. Documentation Requirements. A full copy of a local emergency management agency ordinance and any amendments, agreements, compacts, or other documents associated with the joint creation of a local emergency management agency pursuant to KRS 39B.010(2)(b) shall be submitted by a local director to the area manager for transmittal to the Director of the Division of Emergency Management within thirty (30) calendar days following final passage or adoption by a local governing body.

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 10:45 a.m. Eastern Time at 100 Minuteman Parkway, Bldg. 100, Room 202 (EOC 2nd Floor Conference Room) Frankfort, Kentucky 40601. Individuals interested in being heard at this

hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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