

### **39A.020 Definitions for KRS Chapters 39A to 39F.**

As used in KRS Chapters 39A to 39F, unless the context requires otherwise:

- (1) "Adjutant General" means the executive head of the Department of Military Affairs vested with general direction and control authority for the department and the division of emergency management;
- (2) "Catastrophe" means a disaster or series of concurrent disasters which adversely affect the entire Commonwealth of Kentucky or a major geographical portion thereof;
- (3) "Chief executive officer" means a:
  - (a) County judge/executive of a county;
  - (b) Mayor of a consolidated local government;
  - (c) Mayor of an urban-county government;
  - (d) Chief executive officer of a charter county government;
  - (e) Chief executive officer of a unified local government; or
  - (f) Mayor of a city;
- (4) "Comprehensive emergency management program" means the public safety program developed, organized, implemented, administered, maintained, and coordinated by the Division of Emergency Management and local emergency management agencies created pursuant to the provisions of KRS Chapters 39A to 39F, to assess, mitigate, prepare for, respond to, or recover from, an emergency, declared emergency, disaster, or catastrophe, or threat of any of those, as contemplated in KRS 39A.010 or as defined in this section;
- (5) "Coordination" means having and exercising primary state or local executive branch oversight for the purpose of organizing, planning, and implementing;
- (6) "County" means a county, urban-county government, charter county government, consolidated local government, or unified local government;
- (7) "Declared emergency" means any incident or situation declared to be an emergency, disaster, or catastrophe by executive order of the Governor, or a county judge/executive, or a mayor, or the chief executive of other local governments in the Commonwealth pursuant to the provisions of KRS Chapters 39A to 39F;
- (8) "Director" means the director of the Division of Emergency Management of the Department of Military Affairs;
- (9) "Disaster" means any incident or situation declared as such by executive action of the Governor, or the President of the United States, pursuant to federal law;
- (10) "Disaster and emergency response" means the performance of all emergency functions, other than war-related functions for which military forces are primarily responsible, including but not limited to: direction and control, incident command, or management; communications; fire protection services; police services; medical and health services; ambulance services; rescue; search and rescue or recovery; urban search and rescue; engineering; alerting and warning services; resource management; public works services; nuclear, chemical, biological, or other hazardous material or substance monitoring,

containment, decontamination, neutralization, and disposal; emergency worker protection, site safety, site operations and response planning; evacuation of persons; emergency welfare services; emergency transportation; physical plant protection; temporary restoration of public utility services; emergency lighting and power services; emergency public information; incident investigation, hazards analysis, and damage assessment; and other functions related to effective reaction to a disaster or emergency or catastrophe, or the potential, threatened, or impending threat of any disaster or emergency or catastrophe, together with all other activities necessary or incidental to the preparation for and carrying out of the functions set out in this subsection;

- (11) "Division" means the Division of Emergency Management of the Department of Military Affairs;
- (12) "Emergency" means any incident or situation which poses a major threat to public safety so as to cause, or threaten to cause, loss of life, serious injury, significant damage to property, or major harm to public health or the environment;
- (13) (a) "Executive action" means:
  - 1. All orders and guidelines related to a COVID-19 declared emergency issued by the Governor or any state agency, the President of the United States or any federal agency, or a local governmental agency; and
  - 2. Industry-specific guidelines related to a COVID-19 declared emergency adopted by a state agency that govern the industry; and(b) "Executive action":
  - 1. Does not mean informal or indefinite statements or recommendations made by government officials; and
  - 2. Does not create a duty of care;
- (14) "Integrated emergency management system" means the unified and multidisciplinary disaster and emergency response infrastructure developed in the Commonwealth, under the coordination of the division, using methods which align state or local administrative, organizational, and operational resources, to accomplish the mission, goals, and objectives of the comprehensive emergency management program of the Commonwealth;
- (15) "Local disaster and emergency services organization" means that organization of public and private entities developed to carry out the multiagency disaster and emergency response of a city, county, urban-county or charter county pursuant to KRS Chapters 39A to 39F;
- (16) "Local emergency management agency" means the agency created, operated, and maintained to coordinate the local comprehensive emergency management program and disaster and emergency response of a city, county, and urban-county or charter county government pursuant to KRS Chapters 39A to 39F;
- (17) "Local emergency management director" or "Local director" means the executive head of the local emergency management agency, appointed pursuant to the provisions of KRS Chapters 39A to 39F;
- (18) "State emergency management agency" means the Division of Emergency

- Management of the Department of Military Affairs; and
- (19) "State emergency management director" means the director of the Division of Emergency Management.

**Effective:** April 11, 2021

**History:** Amended 2021 Ky. Acts ch. 6, sec. 1, effective February 2, 2021; and ch. 205, sec. 2, effective April 11, 2021. -- Amended 2014 Ky. Acts ch. 99, sec. 2, effective July 15, 2014. -- Created 1998 Ky. Acts ch. 226, sec. 2, effective July 15, 1998.

**Legislative Research Commission Note** (4/11/2021). This statute was amended by 2021 Ky. Acts chs. 6 and 205, which do not appear to be in conflict and have been codified together.