

1 AN ACT relating to the Kentucky Emergency Volunteer Corps.

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

3 ➔Section 1. KRS 37.170 is amended to read as follows:

4 (1) The Governor is hereby authorized to enlist, organize, maintain, equip, discipline
5 and pay when called into active field service a volunteer state defense force other
6 than the National Guard, which shall constitute the active militia and shall be
7 known as the Kentucky State Defense Force, which shall consist of able-bodied
8 citizens who are residents of the State of Kentucky between the ages of eighteen
9 (18) and sixty-four (64) who are not active members of a reserve component of the
10 Armed Forces of the United States.

11 (2) Whenever the President of the United States shall call any part of the National
12 Guard of this state into active federal service, the Governor is hereby authorized to
13 organize the Kentucky State Defense Force under such regulations as may be
14 promulgated by the Governor or adjutant general.

15 (3) The Governor shall have the power to alter, divide, annex, disband or reorganize
16 any organization of the Kentucky State Defense Force whenever in his judgment
17 the efficiency of the state forces will thereby be increased, and he shall have power
18 to change the organization so as to conform to the regulations now or hereafter
19 prescribed by the laws of the United States for the organization of the National
20 Guard or militia.

21 **(4) *The Kentucky Emergency Volunteer Corps is established as part of the Kentucky***
22 ***State Defense Force under the authority of the adjutant general and shall be***
23 ***composed of volunteers in each county, acting locally under the direction of the***
24 ***local emergency management director pursuant to KRS 39A.020 and in***
25 ***accordance with Section 2 of this Act.***

26 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 37 IS CREATED TO
27 READ AS FOLLOWS:

1 (1) As used in this section, "KEV Corps" means the Kentucky Emergency Volunteer
2 Corps established in Section 1 of this Act.

3 (2) KEV Corps shall:

4 (a) Be an unarmed volunteer unit organized under the Department of
5 Emergency Management;

6 (b) Be under the direction of the adjutant general; and

7 (c) Act locally under the local emergency management director;

8 to provide trained volunteer support during emergency situations in accordance
9 with subsection (9) of this section.

10 (3) The KEV Corps shall consist of able-bodied citizens who:

11 (a) Are residents of Kentucky between the ages of eighteen (18) and sixty-four
12 (64);

13 (b) Are not active members of a reserve component of the Armed Forces of the
14 United States and;

15 (c) Have a high school diploma or High School Equivalency Diploma;

16 (d) Submit to and pass a state and national criminal history background check;

17 (e) Complete KEV Corps basic training or show documentation of military
18 service within the past five (5) years; and

19 (f) Maintain certifications or other training standards required by the adjutant
20 general.

21 Persons who do not meet the standards described in this subsection may
22 participate in an auxiliary role as prescribed by the local emergency management
23 director.

24 (4) Training standards for KEV Corps shall include:

25 (a) The United States and Kentucky Constitutions, civics, and common law
26 training;

27 (b) Successful completion of the United States citizenship test;

- 1 (c) First Aid, CPR, and AED safety training;
- 2 (d) Certification by the Federal Emergency Management Agency's certification
- 3 in Military Emergency Management Specialist training;
- 4 (e) Emergency communications, radio, and linking to amateur or ham radio
- 5 communities;
- 6 (f) Physical training and self-defense;
- 7 (g) Field and survival skills; and
- 8 (h) Advanced training for leaders and job-specific skills as identified by the
- 9 adjutant general.
- 10 (5) Each KEV Corps volunteer shall attend and complete basic training provided at
- 11 the direction of the adjutant general and have continued training no less than
- 12 one (1) day a month and one (1) week each calendar year.
- 13 (6) The uniform of KEV Corps volunteers shall include:
- 14 (a) Khaki colored pants;
- 15 (b) KEV Corps logoed tee shirt;
- 16 (c) Reflective safety vest; and
- 17 (d) Sturdy footwear or boots.
- 18 (7) The KEV Corps shall rely upon state appropriations, donations, and any
- 19 available grants or moneys.
- 20 (8) The Department of Military Affairs may develop a command structure to
- 21 coordinate any regional or statewide emergency use with the consent of the local
- 22 KEV Corps units or members.
- 23 (9) The KEV Corps may be used in response to severe weather, earthquakes,
- 24 declared emergencies, and at the discretion of the adjutant general or the local
- 25 emergency management director.
- 26 (10) The KEV Corps may cooperate with state and local emergency management
- 27 agencies, local governments, law enforcement, first responders, volunteer

1 organizations, and state community crisis teams.

2 (11) Members of the KEV Corps shall not perform the military duties of Kentucky
3 National Guard members or those of peace officers and shall not have the power
4 of arrest, the ability to issue citations, or the authority to use or carry deadly
5 weapons in the scope of their duties.

6 (12) There is hereby established in the State Treasury a trust and agency account to be
7 known as the Kentucky Emergency Volunteers Corps fund. The fund shall
8 consist of moneys received from state appropriations, gifts, grants, donations, and
9 federal funds.

10 (13) The fund shall be administered by the Department of Military Affairs.

11 (14) Amounts deposited in the fund shall be used for buying uniforms, training
12 expenses, emergency preparedness supplies and equipment, first aid supplies, and
13 promotional material and for no other purpose.

14 (15) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal
15 year shall not lapse but shall be carried forward into the next fiscal year.

16 ➔Section 3. KRS 39B.030 is amended to read as follows:

17 A local emergency management director, appointed pursuant to this chapter, shall have
18 the following powers, authorities, rights, and duties:

19 (1) To represent the county judge/executive, or chief executive officers in the case of
20 counties acting jointly under KRS 39B.010, or mayor on all matters pertaining to
21 the comprehensive emergency management program and the disaster and
22 emergency response of the county, counties acting jointly under KRS 39B.010,
23 urban-county, charter county, or the county or counties acting jointly and the cities
24 therein, unless there is a local director appointed for a city in accordance with this
25 chapter, who represents that city;

26 (2) To be the executive head and chief administrative officer of the local emergency
27 management agency, and to direct, control, supervise, and manage, the

1 development, preparation, organization, administration, operation, implementation,
2 and maintenance of the comprehensive emergency management program of the
3 county, counties acting jointly under KRS 39B.010, urban-county government,
4 charter county government, or the county or counties acting jointly and the cities
5 therein, and to coordinate all local disaster and emergency response, unless there is
6 a local director appointed for a city in accordance with this chapter, who represents
7 that city;

8 (3) To develop and maintain a local emergency operations plan entitled "county
9 emergency operations plan," or "joint counties emergency operations plan," or "city
10 emergency operations plan," or "city/county emergency operations plan," as
11 appropriate, the provisions of which shall establish the organizational structure to
12 be utilized by local government to manage disaster and emergency response, and
13 set forth the policies, procedures, and guidelines for the coordination of all disaster
14 and emergency response in the county and all the cities therein for an emergency,
15 declared emergency, disaster, or catastrophe. The local emergency operations plan
16 shall be developed consistent with the appropriate provisions of the Kentucky
17 emergency operations plan, the provisions of KRS Chapters 39A to 39F, planning
18 guidance issued by the division, and administrative regulations promulgated by the
19 division. The local emergency operations plan shall be officially adopted by signed
20 executive order of the county judge/executive or mayor, or in the case of counties
21 acting jointly under KRS 39B.010, by all chief executive officers of the
22 participating counties. The executive order shall be filed with the office of the clerk
23 for the local jurisdiction and a copy placed in the local emergency operations plan.
24 A copy of the local emergency operations plan, and all revisions or updates thereto,
25 shall be submitted by the local director to the Division of Emergency Management
26 for concurrence review and reference. The local emergency operations plan shall be
27 a component of the integrated emergency management system of the

1 Commonwealth, and subject to the Kentucky Emergency Operations Plan, shall be
2 the primary local strategic planning document governing the coordination of all
3 disaster and emergency response in the county, counties acting jointly under KRS
4 39B.010, city, or the county or counties acting jointly and the cities therein, and
5 shall be applicable to, utilized by, and adhered to by, all local emergency response
6 departments, agencies, and officials of the local disaster and emergency services
7 organization in the county and the cities therein. The local emergency operations
8 plan shall be updated not less than annually;

9 (4) To establish and maintain a local disaster and emergency services organization in
10 accordance with the local emergency operations plan, the Kentucky Emergency
11 Operations Plan, and the provisions of KRS 39B.050;

12 (5) To notify the county judge/executive, mayor, or executive authority of other local
13 governments and the Division of Emergency Management immediately of the
14 occurrence, or threatened or impending occurrence, of any emergency or disaster,
15 and recommend any emergency actions which should be executed;

16 (6) To be the chief advisor to, and the primary on-scene representative of, the county
17 judge/executive, mayor, or executive authority of other local governments in the
18 event of occurrence of any emergency, declared emergency, disaster, or catastrophe
19 within the local jurisdiction;

20 (7) (a) To respond and have full access to the scenes of an emergency, declared
21 emergency, disaster, or catastrophe to immediately investigate, analyze, or
22 assess the seriousness of all situations; to coordinate the establishment and
23 operation of a local incident command or management system; to execute the
24 local emergency operations plan, as appropriate; to activate the local
25 emergency operations center or on-scene command post; to convene
26 meetings, gather information, conduct briefings, and to notify the division of
27 on-going response actions; and fully expedite and coordinate the disaster and

1 emergency response of all local public and private agencies, or to have a staff
2 assistant do so;

3 (b) At a declared emergency or declared disaster, at the direction of the county
4 judge/executive or mayor, as appropriate, to take or direct immediate actions
5 to protect public safety; however, this paragraph shall not preclude a local
6 director from providing any assistance that he is requested to, and is able to,
7 provide at any emergency.

8 (8) To act as an official representative of the division in emergency situations when
9 specifically requested by the director;

10 (9) To report directly to the county judge/executive, mayor, or executive authority of
11 other local governments, act in an official policy-making capacity when carrying
12 out the duties of local emergency management director, and exercise full signatory
13 authority for execution of all contracts, agreements, or other official documents
14 pertaining to the administration and operation of the local emergency management
15 agency and program;

16 (10) To direct or supervise all paid or volunteer emergency management staff assistants
17 or other local emergency management agency workers, and all operating units or
18 personnel officially appointed and affiliated with the local disaster and emergency
19 services organization pursuant to KRS 39B.070 and the Kentucky Emergency
20 Volunteer Corps within his or her county pursuant to Section 2 of this Act;

21 (11) To prepare and submit regular or scheduled program activity reports to the area
22 manager of the division and local chief executives;

23 (12) To execute bond, if appropriate, in the amount determined by the appointing
24 authorities;

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

27 (14) Annually, by the fifteenth day of July, to prepare and submit to the division a

- 1 locally-approved, fiscal year program paper and budget request;
- 2 (15) To perform all administrative, organizational, or operational tasks required by the
3 provisions of this chapter, or administrative regulations, or program guidance
4 pertaining thereto;
- 5 (16) To be a registered member of the Kentucky Emergency Management Association
6 or other professional emergency management organization; and
- 7 (17) To carry out all other emergency management-related duties as required by KRS
8 Chapters 39A to 39F, administrative regulations, or local orders or ordinances.

9 ➔Section 4. KRS 39B.050 is amended to read as follows:

- 10 (1) Each local emergency management director shall establish and maintain a local
11 disaster and emergency services organization in accordance with a city or county or
12 city/county or joint counties emergency operations plan required pursuant to KRS
13 Chapters 39A to 39F. The local disaster and emergency services organization shall
14 be composed~~comprised~~ of the following members and participants:
- 15 (a) The county judge/executive, or chief executive officers when counties are
16 acting jointly under KRS 39B.010, and mayors, or the chief executive of other
17 local governments;
- 18 (b) Elected legislative officials of the county and cities;
- 19 (c) The local emergency management director and all local emergency
20 management agency staff members and workers, or emergency management
21 agency-supervised operating units or personnel;
- 22 (d) All regular or volunteer public safety or emergency services department heads
23 or agency chiefs in the cities or county;
- 24 (e) All regular or volunteer public safety or emergency services department or
25 agency members in the cities or county, including Kentucky Emergency
26 Volunteer Corps members;
- 27 (f) All districts, corporations, public agencies, groups, or political subdivisions of

- 1 the state and special districts within the county or the cities thereof, which are
2 organized under the laws of the Commonwealth to provide an emergency
3 response service or related function in the interest of public safety; and
- 4 (g) All private sector personnel, agencies, organizations, companies, businesses,
5 or individuals and citizens who agree to provide their assets, resources,
6 talents, services, or supplies in aid to the local disaster and emergency
7 services organization of the cities or county in accordance with the approved
8 local emergency operations plan of the city, county, or counties acting jointly
9 under KRS 39B.010, urban-county government, or charter county
10 government.
- 11 (2) The local disaster and emergency services organization shall have responsibility for
12 the performance of all disaster and emergency response functions contemplated in
13 KRS 39A.010, 39A.020, or 39A.030 and as listed or assigned in the city, county, or
14 counties acting jointly under KRS 39B.010, or city/county emergency operations
15 plan, except that the Division of Forestry of the Energy and Environment Cabinet
16 shall have primary responsibility for directing the implementation of all forest fire
17 emergency responses consistent with KRS Chapter 149. Disaster and emergency
18 response functions may be assigned within the local disaster and emergency
19 services organization to existing agencies and organizations, public and private. It
20 shall not be necessary for the local disaster and emergency services organization to
21 create, provide, or maintain an additional or auxiliary capability for any existing
22 function or service deemed adequate to local needs.
- 23 (3) The local disaster and emergency services organization shall be the primary disaster
24 and emergency response force of city, county, or counties acting jointly under KRS
25 39B.010, urban-county government, or charter county government and an
26 organizational component of the integrated emergency management system of the
27 Commonwealth. The local emergency management director shall have primary

1 responsibility for the coordination of all disaster and emergency response of the
2 local disaster and emergency services organization for an emergency, declared
3 emergency, disaster, or catastrophe.

4 ➔Section 5. KRS 39B.070 is amended to read as follows:

5 Each city, county, urban-county government, or charter county government may:

- 6 (1) Through the county judge/executive of a county other than an urban-county
7 government, mayor of an urban-county government, chief executive of other local
8 governments, or mayor of a city, or their designees as provided by ordinance,
9 declare in writing a state of emergency when required, and thereafter execute any
10 emergency powers granted under this chapter to provide for adequate and
11 appropriate response to any occurrence or situation or any impending event or
12 situation resulting from any of the situations or events contemplated by KRS
13 39A.010, 39A.020, or 39A.030;
- 14 (2) Appropriate and expend funds, make contracts, enact cost-recovery ordinances,
15 obtain and distribute equipment, materials, and supplies for disaster and emergency
16 response purposes; provide for the health and safety of persons and property,
17 including emergency assistance to the victims of any disaster or emergency; review
18 or approve local emergency operations plans; and enact orders or ordinances
19 pertaining to local emergency management programs in accordance with the
20 policies and plans prescribed by the federal and state emergency management
21 agencies and the provisions of KRS Chapters 39A to 39F;
- 22 (3) Appoint, employ, remove, or provide, with or without compensation, staff assistants
23 to the local emergency management director, and clerical, administrative, technical
24 or other local emergency management agency staff personnel, and local emergency
25 management agency-supervised operating units officially affiliated with the local
26 disaster and emergency services organization by city or county order or ordinance
27 including rescue squads, auxiliary fire, police, and medical personnel, urban search

- 1 and rescue teams, severe weather spotters teams, damage assessment teams,
2 amateur radio or communications personnel, Kentucky Emergency Volunteer
3 Corps members, or other emergency response groups, teams, or personnel, and
4 other disaster and emergency response workers;
- 5 (4) Establish a primary and one (1) or more secondary emergency operations centers or
6 on-scene command posts to serve as official local government command posts
7 during an emergency, declared emergency, disaster, or catastrophe;
- 8 (5) Subject to the order of the Governor, or the chief executive of the county, urban-
9 county government, charter county government, or city, to assign and make
10 available for duty, the employees, property, or equipment of the county or city
11 relating to firefighting, engineering, rescue, health, medical and related services,
12 police, transportation, construction, and similar items or services for disaster and
13 emergency response purposes within or outside of the physical limits of the county,
14 urban-county government, charter county government, or city;
- 15 (6) In the event of a national emergency or state of declared emergency or declared
16 disaster or catastrophe, as provided in KRS 39A.100, waive procedures and
17 formalities otherwise required by the law pertaining to: the performance of public
18 work; entering into contracts; the incurring of obligations; the employment of
19 permanent and temporary workers; the utilization of volunteer workers; the rental
20 of equipment; the purchase and distribution, with or without compensation, of
21 supplies, materials, and facilities; the appropriation and expenditure of public funds;
22 and the demolition and removal of damaged public and private structures; and
- 23 (7) Confer or authorize the conferring upon members of the auxiliary police the powers
24 of peace officers, subject to the provisions of KRS 61.300, and any other
25 restrictions imposed by the appointing authority.