

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. A NEW SECTION OF KRS CHAPTER 39A IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) The Kentucky Emergency Volunteer Corps (KEV Corps) is established under the*
6 *authority of the adjutant general and shall be composed of volunteers in each*
7 *county, acting locally under the direction of the local emergency management*
8 *director and in accordance with the provisions of this section.*

9 *(2) The KEV Corps shall:*

10 *(a) Be an unarmed volunteer unit organized under the Division of Emergency*
11 *Management;*

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

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

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

16 *(3) (a) The KEV Corps shall consist of able-bodied citizens who:*

17 *1. Are residents of Kentucky between the ages of eighteen (18) and sixty-*
18 *four (64);*

19 *2. Are not current members of the Armed Forces of the United States,*
20 *National Guard, or Reserve components thereof;*

21 *3. Have a high school diploma or High School Equivalency Diploma;*

22 *4. Submit to and pass a state and national criminal history background*
23 *check;*

24 *5. Complete KEV Corps basic training or show documentation of*
25 *military service within the past five (5) years; and*

26 *6. Maintain certifications or other training standards required by the*
27 *adjutant general.*

1 (b) Persons who do not meet the standards described in paragraph (a) of this
2 subsection may participate in an auxiliary role as prescribed by the local
3 emergency management director.

4 (4) Each KEV Corps volunteer shall attend and complete basic training provided at
5 the direction of the adjutant general and have continued training no less than
6 one (1) day a month and one (1) week each calendar year.

7 (5) Training standards for KEV Corps shall include:

8 (a) The United States and Kentucky Constitutions, civics, and common law
9 training;

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

11 (c) First aid, CPR, and AED safety training;

12 (d) Training and certification by the Federal Emergency Management
13 Agency's Community Emergency Response Team training program or
14 equivalent volunteer emergency management training as directed by the
15 adjutant general;

16 (e) Emergency communications, radio, and linking to amateur or ham radio
17 communities;

18 (f) Physical training and self-defense;

19 (g) Field and survival skills; and

20 (h) Advanced training for leaders and job-specific skills as identified by the
21 adjutant general.

22 (6) The uniform of KEV Corps volunteers shall include:

23 (a) Khaki colored pants;

24 (b) KEV Corps logoed tee shirt;

25 (c) Reflective safety vest;

26 (d) Sturdy footwear or boots; and

27 (e) Any other insignia, clothing, or protective gear as determined by the

1 adjutant general.

2 (7) The KEV Corps shall rely upon state appropriations, donations, and any
3 available grants or moneys.

4 (8) The Department of Military Affairs may develop a command structure to
5 coordinate any regional or statewide emergency use with the consent of the local
6 KEV Corps units or members.

7 (9) The KEV Corps may be used in response to severe weather, earthquakes,
8 declared emergencies, and at the discretion of the adjutant general or the local
9 emergency management director.

10 (10) The KEV Corps may cooperate with state and local emergency management
11 agencies, local governments, law enforcement, first responders, volunteer
12 organizations, and state community crisis teams.

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

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

21 (b) The fund shall be administered by the Department of Military Affairs.

22 (c) Amounts deposited in the fund shall be used for buying uniforms, training
23 expenses, emergency preparedness supplies and equipment, first aid
24 supplies, promotional material, and the effectuation of this section and for
25 no other purpose.

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

1 year.

2 ➔Section 2. KRS 39B.030 is amended to read as follows:

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

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

12 (2) To be the executive head and chief administrative officer of the local emergency
13 management agency, and to direct, control, supervise, and manage, the
14 development, preparation, organization, administration, operation, implementation,
15 and maintenance of the comprehensive emergency management program of the
16 county, counties acting jointly under KRS 39B.010, urban-county government,
17 charter county government, or the county or counties acting jointly and the cities
18 therein, and to coordinate all local disaster and emergency response, unless there is
19 a local director appointed for a city in accordance with this chapter, who represents
20 that city;

21 (3) To develop and maintain a local emergency operations plan entitled "county
22 emergency operations plan," or "joint counties emergency operations plan," or "city
23 emergency operations plan," or "city/county emergency operations plan," as
24 appropriate, the provisions of which shall establish the organizational structure to
25 be utilized by local government to manage disaster and emergency response, and
26 set forth the policies, procedures, and guidelines for the coordination of all disaster
27 and emergency response in the county and all the cities therein for an emergency,

- 1 declared emergency, disaster, or catastrophe. The local emergency operations plan
2 shall be developed consistent with the appropriate provisions of the Kentucky
3 emergency operations plan, the provisions of KRS Chapters 39A to 39F, planning
4 guidance issued by the division, and administrative regulations promulgated by the
5 division. The local emergency operations plan shall be officially adopted by signed
6 executive order of the county judge/executive or mayor, or in the case of counties
7 acting jointly under KRS 39B.010, by all chief executive officers of the
8 participating counties. The executive order shall be filed with the office of the clerk
9 for the local jurisdiction and a copy placed in the local emergency operations plan.
10 A copy of the local emergency operations plan, and all revisions or updates thereto,
11 shall be submitted by the local director to the Division of Emergency Management
12 for concurrence review and reference. The local emergency operations plan shall be
13 a component of the integrated emergency management system of the
14 Commonwealth, and subject to the Kentucky Emergency Operations Plan, shall be
15 the primary local strategic planning document governing the coordination of all
16 disaster and emergency response in the county, counties acting jointly under KRS
17 39B.010, city, or the county or counties acting jointly and the cities therein, and
18 shall be applicable to, utilized by, and adhered to by, all local emergency response
19 departments, agencies, and officials of the local disaster and emergency services
20 organization in the county and the cities therein. The local emergency operations
21 plan shall be updated not less than annually;
- 22 (4) To establish and maintain a local disaster and emergency services organization in
23 accordance with the local emergency operations plan, the Kentucky Emergency
24 Operations Plan, and the provisions of KRS 39B.050;
- 25 (5) To notify the county judge/executive, mayor, or executive authority of other local
26 governments and the Division of Emergency Management immediately of the
27 occurrence, or threatened or impending occurrence, of any emergency or disaster,

- 1 and recommend any emergency actions which should be executed;
- 2 (6) To be the chief advisor to, and the primary on-scene representative of, the county
3 judge/executive, mayor, or executive authority of other local governments in the
4 event of occurrence of any emergency, declared emergency, disaster, or catastrophe
5 within the local jurisdiction;
- 6 (7) (a) To respond and have full access to the scenes of an emergency, declared
7 emergency, disaster, or catastrophe to immediately investigate, analyze, or
8 assess the seriousness of all situations; to coordinate the establishment and
9 operation of a local incident command or management system; to execute the
10 local emergency operations plan, as appropriate; to activate the local
11 emergency operations center or on-scene command post; to convene
12 meetings, gather information, conduct briefings, and to notify the division of
13 on-going response actions; and fully expedite and coordinate the disaster and
14 emergency response of all local public and private agencies, or to have a staff
15 assistant do so.[-]
- 16 (b) At a declared emergency or declared disaster, at the direction of the county
17 judge/executive or mayor, as appropriate, to take or direct immediate actions
18 to protect public safety; however, this paragraph shall not preclude a local
19 director from providing any assistance that he or she is requested to, and is
20 able to, provide at any emergency.[-]
- 21 (8) To act as an official representative of the division in emergency situations when
22 specifically requested by the director;
- 23 (9) To report directly to the county judge/executive, mayor, or executive authority of
24 other local governments, act in an official policy-making capacity when carrying
25 out the duties of local emergency management director, and exercise full signatory
26 authority for execution of all contracts, agreements, or other official documents
27 pertaining to the administration and operation of the local emergency management

- 1 agency and program;
- 2 (10) To direct or supervise all paid or volunteer emergency management staff assistants
- 3 or other local emergency management agency workers, and all operating units or
- 4 personnel officially appointed and affiliated with the local disaster and emergency
- 5 services organization pursuant to KRS 39B.070 and the Kentucky Emergency
- 6 Volunteer Corps within his or her county pursuant to Section 1 of this Act;
- 7 (11) To prepare and submit regular or scheduled program activity reports to the area
- 8 manager of the division and local chief executives;
- 9 (12) To execute bond, if appropriate, in the amount determined by the appointing
- 10 authorities;
- 11 (13) Annually, by the first day of March, to prepare and submit a program budget
- 12 request to the county judge/executive and mayor;
- 13 (14) Annually, by the fifteenth day of July, to prepare and submit to the division a
- 14 locally-approved, fiscal year program paper and budget request;
- 15 (15) To perform all administrative, organizational, or operational tasks required by the
- 16 provisions of this chapter, or administrative regulations, or program guidance
- 17 pertaining thereto;
- 18 (16) To be a registered member of the Kentucky Emergency Management Association
- 19 or other professional emergency management organization; and
- 20 (17) To carry out all other emergency management-related duties as required by KRS
- 21 Chapters 39A to 39F, administrative regulations, or local orders or ordinances.
- 22 ➔Section 3. KRS 39B.050 is amended to read as follows:
- 23 (1) Each local emergency management director shall establish and maintain a local
- 24 disaster and emergency services organization in accordance with a city or county or
- 25 city/county or joint counties emergency operations plan required pursuant to KRS
- 26 Chapters 39A to 39F. The local disaster and emergency services organization shall
- 27 be composed~~comprised~~ of the following members and participants:

- 1 (a) The county judge/executive, or chief executive officers when counties are
2 acting jointly under KRS 39B.010, and mayors, or the chief executive of other
3 local governments;
- 4 (b) Elected legislative officials of the county and cities;
- 5 (c) The local emergency management director and all local emergency
6 management agency staff members and workers, or emergency management
7 agency-supervised operating units or personnel;
- 8 (d) All regular or volunteer public safety or emergency services department heads
9 or agency chiefs in the cities or county;
- 10 (e) All regular or volunteer public safety or emergency services department or
11 agency members in the cities or county, including Kentucky Emergency
12 Volunteer Corps members as established in Section 1 of this Act;
- 13 (f) All districts, corporations, public agencies, groups, or political subdivisions of
14 the state and special districts within the county or the cities thereof, which are
15 organized under the laws of the Commonwealth to provide an emergency
16 response service or related function in the interest of public safety; and
- 17 (g) All private sector personnel, agencies, organizations, companies, businesses,
18 or individuals and citizens who agree to provide their assets, resources,
19 talents, services, or supplies in aid to the local disaster and emergency
20 services organization of the cities or county in accordance with the approved
21 local emergency operations plan of the city, county, or counties acting jointly
22 under KRS 39B.010, urban-county government, or charter county
23 government.
- 24 (2) The local disaster and emergency services organization shall have responsibility for
25 the performance of all disaster and emergency response functions contemplated in
26 KRS 39A.010, 39A.020, or 39A.030 and as listed or assigned in the city, county, or
27 counties acting jointly under KRS 39B.010, or city/county emergency operations

1 plan, except that the Division of Forestry of the Energy and Environment Cabinet
2 shall have primary responsibility for directing the implementation of all forest fire
3 emergency responses consistent with KRS Chapter 149. Disaster and emergency
4 response functions may be assigned within the local disaster and emergency
5 services organization to existing agencies and organizations, public and private. It
6 shall not be necessary for the local disaster and emergency services organization to
7 create, provide, or maintain an additional or auxiliary capability for any existing
8 function or service deemed adequate to local needs.

9 (3) The local disaster and emergency services organization shall be the primary disaster
10 and emergency response force of city, county, or counties acting jointly under KRS
11 39B.010, urban-county government, or charter county government and an
12 organizational component of the integrated emergency management system of the
13 Commonwealth. The local emergency management director shall have primary
14 responsibility for the coordination of all disaster and emergency response of the
15 local disaster and emergency services organization for an emergency, declared
16 emergency, disaster, or catastrophe.

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

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

19 (1) Through the county judge/executive of a county other than an urban-county
20 government, mayor of an urban-county government, chief executive of other local
21 governments, or mayor of a city, or their designees as provided by ordinance,
22 declare in writing a state of emergency when required, and thereafter execute any
23 emergency powers granted under this chapter to provide for adequate and
24 appropriate response to any occurrence or situation or any impending event or
25 situation resulting from any of the situations or events contemplated by KRS
26 39A.010, 39A.020, or 39A.030;

27 (2) Appropriate and expend funds, make contracts, enact cost-recovery ordinances,

- 1 obtain and distribute equipment, materials, and supplies for disaster and emergency
2 response purposes; provide for the health and safety of persons and property,
3 including emergency assistance to the victims of any disaster or emergency; review
4 or approve local emergency operations plans; and enact orders or ordinances
5 pertaining to local emergency management programs in accordance with the
6 policies and plans prescribed by the federal and state emergency management
7 agencies and the provisions of KRS Chapters 39A to 39F;
- 8 (3) Appoint, employ, remove, or provide, with or without compensation, staff assistants
9 to the local emergency management director, and clerical, administrative, technical
10 or other local emergency management agency staff personnel, and local emergency
11 management agency-supervised operating units officially affiliated with the local
12 disaster and emergency services organization by city or county order or ordinance
13 including rescue squads, auxiliary fire, police, and medical personnel, urban search
14 and rescue teams, severe weather spotters teams, damage assessment teams,
15 amateur radio or communications personnel, Kentucky Emergency Volunteer
16 Corps members, or other emergency response groups, teams, or personnel, and
17 other disaster and emergency response workers;
- 18 (4) Establish a primary and one (1) or more secondary emergency operations centers or
19 on-scene command posts to serve as official local government command posts
20 during an emergency, declared emergency, disaster, or catastrophe;
- 21 (5) Subject to the order of the Governor, or the chief executive of the county, urban-
22 county government, charter county government, or city, to assign and make
23 available for duty, the employees, property, or equipment of the county or city
24 relating to firefighting, engineering, rescue, health, medical and related services,
25 police, transportation, construction, and similar items or services for disaster and
26 emergency response purposes within or outside of the physical limits of the county,
27 urban-county government, charter county government, or city;

- 1 (6) In the event of a national emergency or state of declared emergency or declared
2 disaster or catastrophe, as provided in KRS 39A.100, waive procedures and
3 formalities otherwise required by the law pertaining to: the performance of public
4 work; entering into contracts; the incurring of obligations; the employment of
5 permanent and temporary workers; the utilization of volunteer workers; the rental
6 of equipment; the purchase and distribution, with or without compensation, of
7 supplies, materials, and facilities; the appropriation and expenditure of public funds;
8 and the demolition and removal of damaged public and private structures; and
- 9 (7) Confer or authorize the conferring upon members of the auxiliary police the powers
10 of peace officers, subject to the provisions of KRS 61.300, and any other
11 restrictions imposed by the appointing authority.

12 ➔Section 5. KRS 39C.110 is amended to read as follows:

13 Local emergency management agencies, including local directors or their deputies, and
14 other local emergency management agency staff personnel and workers, and local
15 emergency management agency-supervised operating units or personnel officially
16 affiliated with the local disaster and emergency services organizations, including the
17 Kentucky Emergency Volunteer Corps, pursuant to KRS 39B.070, paid or volunteer, for
18 the purposes of receiving workers' compensation benefits paid by the division, shall be
19 covered by those benefits when performing emergency assessment, mitigation,
20 preparedness, response, or recovery functions, with the following limitations:

- 21 (1) The local emergency management agencies, including local directors or staff
22 personnel and workers, and local emergency management agency-supervised
23 operating units or personnel, including the Kentucky Emergency Volunteer Corps,
24 shall not be covered when performing fundraising functions, unless all proceeds of
25 the function are to be dedicated to the administration or operation of the local
26 emergency management agency or operating unit.
- 27 (2) No person shall be covered when performing hazardous materials emergency

1 response operations defined in 29 C.F.R. 1910.120 which are above the first-
2 responder operations level, on-scene incident commander level excluded, except as
3 provided in subsection (3) of this section.

4 (3) A volunteer hazardous materials response team as defined in 29 C.F.R. 1910.120
5 which meets all provisions of 29 C.F.R. 1910.120(q), operates on a regional basis,
6 and is supervised by a local emergency management agency may, by action of the
7 director pursuant to administrative regulations, be provided Kentucky emergency
8 management workers' compensation coverage. Such hazardous materials response
9 teams shall take no actions involving environmental clean-up, removal, or
10 transportation of hazardous substances or materials except as may be essential for
11 initial emergency control or initial emergency stabilization when there is a clear and
12 evident risk of harm to people.

13 (4) No person shall be covered unless enrolled on a workers' compensation enrollment
14 form that is filed with the area manager of the division, except when the magnitude
15 of an emergency, or a preparedness exercise activity, is so great that a local director
16 must solicit additional workers. At these times, the local director may develop and
17 maintain a list of workers, to include names, Social Security account numbers,
18 missions assigned, and dates covered, and submit a copy of the list to the area
19 manager within twenty-four (24) hours of the conclusion of the emergency, or the
20 preparedness exercise activity.