

1 AN ACT relating to emergency management and declaring an emergency.

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

3 ➔Section 1. KRS 39A.050 is amended to read as follows:

4 (1) The Division of Emergency Management shall coordinate for the Governor all
5 matters pertaining to the comprehensive emergency management program and
6 disaster and emergency response of the Commonwealth. The division shall be the
7 executive branch agency of state government having primary jurisdiction,
8 responsibility, and authority for the planning and execution of disaster and
9 emergency assessment, mitigation, preparedness, response, and recovery for the
10 Commonwealth; the coordination of all disaster and emergency response by and
11 between all state agencies, all agencies of city, county, and urban-county or charter
12 county government, all local entities, and all political subdivisions of the
13 Commonwealth for an emergency, declared emergency, disaster, or catastrophe as
14 contemplated in KRS 39A.010, 39A.020, or 39A.030; the coordination of, and
15 liaison with, related or concerned federal government agencies, elected officials of
16 other states, private organizations or private sector companies dealing with disaster
17 and emergency response; the coordination of all recovery operations and mitigation
18 initiatives subsequent to disasters or emergencies; and the coordination of all public
19 information activities regarding state government disaster and emergency response
20 operations.

21 (2) The Division of Emergency Management shall have and exercise the following
22 powers, authorities, and duties:

23 (a) To develop, administer, and maintain a statewide comprehensive emergency
24 management program for the Commonwealth, and through it an integrated
25 emergency management system for the disaster and emergency response of
26 the Commonwealth, which shall be coordinated with the emergency
27 management programs, and other related public safety, emergency response,

1 mitigation, or disaster recovery programs, of all appropriate federal
2 government agencies including the Federal Emergency Management Agency,
3 the federal Department of Homeland Security, the State Department, the
4 Federal Aviation Administration, the Centers for Disease Control and
5 Prevention, the Department of Transportation, the Environmental Protection
6 Agency, the Occupational Safety and Health Administration, the Department
7 of Defense, the National Oceanic and Atmospheric Administration, the
8 Department of Justice, the Bureau of Alcohol, Tobacco, and Firearms, the
9 National Transportation Safety Board, the Chemical Safety and Hazard
10 Investigation Board, the Army Corps of Engineers, the National Security
11 Council, the Department of Health and Human Services, the Federal Railroad
12 Administration, the United States Geological Survey, the Department of
13 Energy, the Nuclear Regulatory Commission, the Department of Agriculture,
14 the Department of Housing and Urban Development, the American Red
15 Cross, the other states, and other appropriate public or private agencies, to the
16 fullest appropriate extent;

17 (b) To coordinate the development, implementation, and maintenance of
18 comprehensive emergency management programs by local emergency
19 management agencies in the cities, counties, and urban-county or charter
20 county governments of the Commonwealth to ensure that all such programs,
21 agencies, and organizations are organized, administered, and operated as
22 functional components of the integrated emergency management system of
23 the Commonwealth;

24 (c) To develop and maintain a comprehensive, risk-based, all-hazards disaster
25 and emergency response plan entitled "Kentucky Emergency Operations
26 Plan," the provisions of which shall establish the organizational structure to be
27 utilized by state government for managing disaster and emergency response,

1 and set forth the policies, procedures, and guidelines for the coordination and
2 execution of all disaster and emergency response for an emergency, declared
3 emergency, disaster, or catastrophe in the Commonwealth. The Kentucky
4 Emergency Operations Plan shall be submitted to the Governor for approval
5 when the Governor assumes office following each gubernatorial election, or at
6 other times as the director deems appropriate. The Governor shall provide
7 written approval of the Kentucky Emergency Operations Plan through
8 issuance of an executive order, and the division shall file a copy of the
9 executive order with the Legislative Research Commission. The Kentucky
10 Emergency Operations Plan shall be the primary strategic disaster and
11 emergency response planning component of the integrated emergency
12 management system of the Commonwealth, and shall be utilized and followed
13 by all state agencies, all local government agencies, all local public agencies
14 or entities, and all other political subdivisions of the Commonwealth which
15 may be involved in disaster and emergency response in the Commonwealth.
16 The Kentucky Emergency Operations Plan shall be updated by the division
17 not less than annually;

- 18 (d) To maintain and operate the State Emergency Operations Center facility,
19 which shall be the official and primary state government twenty-four (24)
20 hour warning point, communications, and command center, from which the
21 Governor, cabinet secretaries, department heads, and other state agency
22 officials can, at any time, rapidly, adequately, and effectively manage the
23 disaster and emergency response of the Commonwealth. The State Emergency
24 Operations Center facility shall be the primary state direction and control
25 component of the integrated emergency management system of the
26 Commonwealth for the coordination of all disaster and emergency response in
27 the Commonwealth;

- 1 (e) To develop, monitor, and operate, on a twenty-four (24) hour per day basis,
2 the appropriate alerting or warning systems, public safety telecommunications
3 systems, or radio networks; any state trunked, fiber, or interactive
4 communication systems; computer, fax, other telecommunications or
5 information networks; and systems needed for communication and
6 coordination with all necessary or appropriate federal, state, or local public
7 safety, law enforcement, emergency management, or other disaster and
8 emergency response agencies, and state or local dispatch centers in the
9 Commonwealth, and other appropriate interests, and through these agencies
10 and systems to receive or disseminate emergency information, or to receive
11 timely notification of, and continual assessment of, all threatened or actual
12 emergency incidents or disaster situations occurring anywhere in or near the
13 Commonwealth;
- 14 (f) To immediately notify the Governor, the adjutant general, and the executive
15 director of the Kentucky Office of Homeland Security, or his or her designee,
16 in the event of any major emergency incidents or disaster occurrences, or the
17 threatened or impending occurrence of any of these events, and to keep the
18 Governor, the adjutant general, and the executive director of the Kentucky
19 Office of Homeland Security, or his or her designee, informed of all actions
20 being taken in response to these events;
- 21 (g) To respond to the scenes of emergencies or disasters, or their threatened or
22 impending occurrence and to directly and immediately investigate, analyze,
23 and assess the nature and seriousness of these situations; to convene meetings,
24 gather information, conduct briefings, and evaluate ongoing emergency
25 response activities; take actions to execute the appropriate provisions of the
26 Kentucky Emergency Operations Plan; coordinate the establishment and
27 operation of a state incident management system; establish or manage sub-

- 1 state or area emergency operations centers, or on-scene command posts; and
2 fully expedite and coordinate the disaster and emergency response of the
3 Commonwealth;
- 4 (h) To establish and operate area field offices of the division, each office to be
5 headed by an area manager, responsible for administering the policies, plans,
6 programs, and duties of the division in specific geographic areas of the
7 Commonwealth, including the coordination of comprehensive emergency
8 management programs developed by the cities, counties, urban-county, or
9 charter county governments in the areas;
- 10 (i) To provide funds to the cities, counties, and urban-county or charter county
11 governments of the Commonwealth to support the development,
12 administration, operation, and maintenance of local emergency management
13 agencies created pursuant to KRS Chapters 39A to 39F;
- 14 (j) To require the regular submission of program administration data, records,
15 materials, reports, or documents from local emergency management agencies
16 as may be necessary and sufficient to conduct performance reviews and
17 assessments to ensure compliance with all state or federal funding and
18 program requirements, and to ensure local program compatibility and
19 consistency with the mission, goals, and objectives of the comprehensive
20 emergency management program and integrated emergency management
21 system of the Commonwealth;
- 22 (k) To ascertain the requirements of the Commonwealth and its cities and
23 counties for emergency resources and the necessities of life in the event of
24 disaster or emergency; institute an emergency resource management plan and
25 procure emergency supplies, materials, and equipment; and use or employ in
26 time of emergency any of the property, services, and resources of state or
27 local government in the Commonwealth for the purposes set forth in KRS

1 Chapters 39A to 39F;

2 (l) To institute public information and education programs, emergency
3 management training programs, and exercise programs to test and evaluate
4 emergency operations plans and disaster and emergency response and
5 recovery capabilities;~~and~~

6 (m) To institute and maintain the Kentucky Qualification System, which shall
7 be used to establish qualification procedures, certification programs, and
8 credentialing standards for professionals involved in disaster and incident
9 management, including incident management teams and emergency
10 operations centers; and

11 (n) To promulgate administrative regulations to carry out the provisions of KRS
12 Chapters 39A to 39F.

13 ➔Section 2. Whereas it is critical to the safety of the citizens of the
14 Commonwealth to provide a process for creating a deployable workforce of qualified,
15 certified, and credentialed personnel to prepare for and respond to natural disasters and
16 emergencies of all types and sizes, an emergency is declared to exist, and this Act takes
17 effect upon its passage and approval by the Governor or upon its otherwise becoming a
18 law.