

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2021 Regular Session**

REVISED 3/3/21

Part I: Measure Information

Bill Request #: 1729

Bill #: HB 432

Document ID #: 3805

Bill Subject/Title: AN ACT relating to governmental immunity.

Sponsor: Representative Savannah Maddox

Unit of Government: City County Urban-County
Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: All

Requirement: Mandatory Optional

Effect on
Powers & Duties: Modifies Existing Adds New Eliminates Existing

**Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local
Government**

KRS Chapter 39A deals with statewide emergency management programs and the state's liability.

HB 432 removes the sovereign immunity waivers for local governments for the following scenarios:

- Personal injury or property damage caused by any member of any agency engaged in any emergency management or disaster and emergency services or disaster and emergency response activity;
- Death of or injury to persons, or for property damage caused by a volunteer or auxiliary disaster and emergency response worker who is enrolled or registered

with a local disaster and emergency services organization or with the local government;

- Death of or injury to any person on or about property that the person owning or having controlling interest in has voluntarily without compensation allowed the property to be used as shelter during an actual, impending, mock, or practice disaster or emergency.

HB 432 removes language reflecting a line of overruled cases and that may have been construed as a waiver of immunity based on the maintenance of insurance or self-insurance.

The effect of HB 432 on local governments will be indeterminable, but could be a substantial savings. The general assembly appears to limit avenues of liability of governments and other actors in the emergency scenarios.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II refers to HB 432 as introduced.

Data Source(s): LRC Staff

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 3/3/21