

KENTUCKY REVISED STATUTES (KRS) RELATED TO HAZARD MITIGATION

Appendix 4-10

Standard Portion: Mitigation Strategy

Commonwealth of Kentucky Enhanced Hazard Mitigation Plan: 2013 Version

Kentucky Emergency Management (KYEM)

University of Kentucky, Martin School of Public Policy and Administration

Hazard Mitigation Grants Program (UK-HMGP)

University of Louisville Center for Hazards Research and Policy Development (CHR)

An important, vital element of interpreting the Commonwealth of Kentucky's capability to administer hazard mitigation programs involves its statutory framework. It should be noticed to what degree many of Kentucky's quotidian habits regarding mitigation and organizational administration actually is codified into law.

Laws in “red” represent either additions to Kentucky’s Revised Statutes (KRS) or additions to this list since the 2010 update of the Commonwealth of Kentucky’s hazard mitigation plan.

Title	Chapter	Revised Statute	Regarding
<i>Title III: Executive Branch</i>	Chapter 16: State Police	16.060	Powers and Duties of the Commissioner and Officers
		16.065	Additional Duties of Department
		16.130	Cooperation w/ Other Agencies, Local Officers – Other State and Federal Government
		16.177	Operation and Administration of Kentucky Blue Alert System
		16.179	When Public Alerts Are Allowed to Be Issued
<i>Title V: Military Affairs</i>	Chapter 36: Department of Military Affairs	36.010	That Department of Military Affairs is Attached to the Office of the Governor as One of Its Functions/Organizations
		36.235	Unit of Civil Air Patrol: Functions of Unit
		36.255 ¹	Kentucky Community Crisis Response Board + Its Members + Its Meeting Times
<i>Title V: Military Affairs</i>	Chapter 37: Active Militia	37.240	Active Service: How and When Order into + Its Direction + Its Powers
<i>Title V: Military Affairs</i>	Chapter 38: National Guard	38.030	Ordering Troops into State Active Duty Non-Tactical Direction by Local Civil Officers

¹ Amended in 2012

Title	Chapter	Revised Statute	Regarding
<i>Title V: Military Affairs</i>	Chapter 39A: Statewide Emergency Management Programs	39A.010	Legislative Intent, Programs' Necessity
		39A.015	Definition and Chapter Provisions Applicable to KRS Chapters 39B to 39F
		39A.020	Definitions for KRS Chapters 39A to 39F
		39A.030	Rationale and Purpose of Programs: Division of Emergency Management (DEM)
		39A.040	Administrative Bodies Attached to the DEM
		39A.050	Responsibility of DEM for Coordinating Disaster and Emergency Services: Powers, Authorities, and Duties
		39A.060	Nature and Scope of Comprehensive Program + Director Is Under Adjutant General
		39A.070	Powers, Responsibilities, and Duties of DEM Director
		39A.080	Seals and Markings of DEM To Be Affixed on Vehicles Used and Operated by DEM
		39A.090	Executive Orders
		39A.100	Emergency Powers of Governor and Local Chief Executive Officers
		39A.110	Compensation for Property Taken for Temporary Use + Notice to Owners of Property Where Title Taken
		39A.120	Procedure When Owner Refuses to Accept Compensation Fixed by Governor
		39A.130	Appeal from Award of Board of Claims
		39A.140	Procedure for Payment of Compensation
		39A.150	Traffic Control Plans: Executive Orders
		39A.160	Witnesses: Production of Records and Documents
39A.170	Lease or Loan of Real or Personal Property of State Government: Disaster and Emergency Response Activities of State Employees		

Title	Chapter	Revised Statute	Regarding
<i>Title V: Military Affairs</i>	Chapter 39A: Statewide Emergency Management Programs	39A.180	Orders and Administrative Regulations of Political Subdivisions: Enforcement
		39A.190	Power of Arrest for Violation of Order or Administrative Regulation
		39A.200	Authority to Receive Services, Equipment, Supplies, Materials, or Funds from Federal Government
		39A.210	Qualifications and Oath of Persons Connected with Disaster and Emergency Response Organizations
		39A.220	Agency Emergency Operations Procedures
		39A.230	Procedures for One (1) Multi-Risk, Multi-Agency, Unified Incident Command or Management System
		39A.240	State Emergency Operations Center (EOC): Agency Representatives
		39A.250	Superseded by KRS 39A.280 (in 1998)
		39A.260	Mutual Aid Agreements with Other States: Workers' Compensation
		39A.270	Use of Publicly-Owned Resources at Impending, Happening, or Response Phase of Disaster or Emergency
		39A.280	Nature of Disaster and Emergency Response Functions Provided by State or Local Management Agency: Immunity, Exceptions
		39A.283	Short Title for KRS 39A.050, 39A.070, 39A.285, and 39A.287 ²
		39A.285	Legislative Findings
		39A.295	Taking of Property or Rights Guaranteed by KRS 287.102 ³ or 237.104 Not Authorized + Rights of Relocated Persons Unaffected
		39A.300	Disaster Relief Funding Program
		39A.366	Good Samaritan Act of 2007 (Short Title for KRS 39A.350 to 39A.366)
		39A.950	Emergency Management Assistance Compact
39A.990	Penalty		

² 39A.287 was repealed in 2006.

³ KRS 287.102 renumbered as KRS 286.3-102

Title	Chapter	Revised Statute	Regarding
<i>Title V: Military Affairs</i>	Chapter 39B: Local Emergency Management Programs	39B.010	Local Emergency Management To Be Maintained: Unified Local Emergency Management Agency
		39B.020	Local Emergency Management Agency Director: Joint Appointment of a Single Local Emergency Management Director + His/Her Qualifications
		39B.030	Powers, Authorities, Rights, and Duties of Local Director + Development of Organizational Structure
		39B.040	Mutual Aid Agreements with Special Districts and Public and Private Agencies
		39B.045	<i>Mutual Aid Arrangements with Other States</i>
		39B.050	Local Disaster and Emergency Services Organization: Membership + Responsibility
		39B.060	Emergency Operations Plan (EOP)
		39B.070	Execution of Emergency Powers + Emergency Operations Centers (EOCs) + Waiver of Procedures and Formalities
		39B.080	Powers, Duties, Rights, Privileges, and Immunities of Employees Rendering Outside Aid
		39B.090	Liability for Loss or Damage to Equipment Used + Reimbursement of Compensation and Expenses of Employees
		39B.100	Contracts Permitted
		39B.110	Taking of Property or Rights Guaranteed by KRS 287.102 ⁴ or 237.104 Not Authorized + Rights of Relocated Persons Unaffected
		39B.990	Penalty

⁴ KRS 287.102 renumbered as KRS 286.3-102

Title	Chapter	Revised Statute	Regarding
<i>Title V: Military Affairs</i>	Chapter 39C: State Aid to Local Emergency Management Programs	39C.010	Supplementary State Funds
		39C.020	Allocation of State Funds
		39C.030	Purpose of Supplementary State Fund
		39C.040	Director's Responsibility: Advisory Committee
		39C.050	Criteria for Funding Local Emergency Management Agencies
		39C.060	Request for Financial Aid: Review and Evaluation Criteria
		39C.070	Reimbursement: Claims and Equipment Purchase
		39C.080	Performance Evaluations + Records and Reports + Review of Program Progress and Compliance + Correction of Deficiencies + Appeal Process
		39C.090	Request for Waiver of Requirements
		39C.100	Administration of Supplementary State Funding Program: Administrative Regulations
		39C.110	Workers' Compensation Coverage: Limitations
		39C.990	Penalty

Title	Chapter	Revised Statute	Regarding
<i>Title V: Military Affairs</i>	Chapter 39D: Continuity of Government	39D.010	Temporary Seat of State Government: Acts Valid and Binding
		39D.020	Designation of Alternate or Substitute Places for Local Government: Acts Valid and Binding
		39D.030	Ordinances and Resolutions for Continuity of Government
		39D.040	Emergency Interim Successors + Order of Successions + Vacancies + Applicability of Statute to All Special Districts and Political Subdivisions
		39D.050	Preservation of Essential State Public Records + Duties of Archives and Records Commission
		39D.990	Penalty

Title	Chapter	Revised Statute	Regarding
<i>Title V: Military Affairs</i>	Chapter 39E: Implementation of Federal Hazardous Materials Programs	39E.010	Kentucky Emergency Response Commission (CERC ⁵): Duties
		39E.020	Definitions for Chapter
		39E.030	Members + Meetings
		39E.040	Duties of CERC + Appointment of Committees
		39E.050	CERC Fees + Trust and Agency Accounts + Administrative Regulations
		39E.060	Permissive Activities of CERC
		39E.070	SARA Title III Programs Account
		39E.080	Administrative Support by Division of Emergency Management (DEM) + Protection of Federal Funds + Administrative Regulations
		39E.090	Local Emergency Planning Districts
		39E.100	Local Planning Committees
		39E.110	Committee Duties
		39E.120	Commission To Be Advised of Receipt of Excess Quantities of Hazardous Substances
		39E.130	Naming of Facility Representatives + Liaison Duties
		39E.140	Political Entities Required to Participate in Local Planning Process
		39E.150	Plan Development, Approval, and Review
		39E.160	Response To Be Consistent with Plan
		39E.170	State Agency Response
		39E.180	Claims To Be Filed with Board of Claims
		39E.190	Report of Release of Substance
		39E.200	Establishment of Warning and Notification Standards
		39E.210	Report of Inventories and Location of Extremely Hazardous Substances
		39E.220	That Additional Information May Be Required
		39E.230	Reports Available to Public + Protection of Trade Secrets
39E.240	That Chapter 39E Supplemental to Other Laws		
39E.990	Penalties		

⁵ Kentucky Emergency Response Commission = Commonwealth Emergency Response Commission (CERC)

Title	Chapter	Revised Statute	Regarding
<i>Title V: Military Affairs</i>	Chapter 39F: Local Rescue Programs + State and Local Search and Rescue Programs	39F.010	Definitions for Chapter
		39F.020	Rescue Squads: Formation + Authorization to Operate within a Jurisdiction + Functions
		39F.030	Regional or Statewide Specialized Rescue Services + Alternative Affiliations Agreement and Alternative Vehicle and Equipment Requirements
		39F.040	Specialized Squad Using Search Dogs: Requirements + Organization of General Rescue Squads
		39F.050	Organization of General Rescue Squad
		39F.060	Activities Permitted for General and Specialized Rescue Squads
		39F.070	Specialized Rescue Squads: Activities Permitted
		39F.080	State Coordinator for Search and Rescue: Appointment and Duties
		39F.090	Coordinating and Planning Responsibility
		39F.100	Rescue Aid Program: Purpose
		39F.110	Rescue Aid Fund: Duties of Director of Division + Local Director's Responsibilities
		39F.120	Requirements for Rescue Grant Funding + Written Standard Operating Procedures (SOPs) + Bylaws + Rescue Vehicle + Membership + Training + Affiliation + That Service Fees Prohibited
		39F.130	Rescue and Project Funding: Application and Review Process
		39F.140	Purchase, Disposal, and Inspection of Equipment + Audit of Funds
		39F.150	Reports of Lost, Stolen, or Damaged Equipment or Loss of Capability to Operate + Quarterly Incident and Training Reports
		39F.160	Rescue Squad Taxing Districts
		39F.170	Workers' Compensation Coverage: Limitations + Enrollment
		39F.180	Reports of Search and Rescue Missions + Immediate Search for Lost, Missing, or Overdue Persons Permitted
		39F.190	Development of Comprehensive Written Search and Rescue Plan
		39F.200	Local Search and Rescue Coordinator

Title	Chapter	Revised Statute	Regarding
<i>Title V: Military Affairs</i>	Chapter 39F: Local Rescue Programs + State and Local Search and Rescue Programs	39F.210	Administrative Regulations
		39F.220	Training Courses to Contain Instruction on Behavioral Characteristics and Proper Care of Lost Persons with Traumatic Brain Injury or Developmental Disability
		39F.990	Penalty
<i>Title V: Military Affairs</i>	Chapter 39G: Kentucky Office of Homeland Security	39G.010	Kentucky Office of Homeland Security Executive Director: Duties + Delegation of Duties + Notification of Disaster or Emergency
		39G.020	Records and Reporting + Education of Reporting Entities + Notification of Available Grants
		39G.030	Reports by Office: Contents of Reports
		39G.040	Commercial Mobile Radio Service Emergency Telecommunications Board Attached to Office
<i>Title VI: Financial Administration</i>	Chapter 48: Budget	48.150	Appropriations to Address Unexpected Emergencies and Contingencies
<i>Title VII: Public Property and Public Printing</i>	Chapter 56: State Lands and Buildings	56.065	Definitions for KRS 56.070 to 56.180
		56.070	That Office of Insurance Determines State Property to be Insured through State First and Tornado Insurance Fund + Exceptions
		56.080	Appraisal and Valuation of State Property
		56.090	Rate of Premium: How Fixed and Certified
		56.095	KRS Chapter 45A Applicable to Fire and Tornado Insurance Contracts
		56.100	State Fire and Tornado Insurance Fund
		56.110	Damage to State Property: How Appraised
		56.120	Payment for Damages
		56.130	Insufficient Amount in Fund
		56.140	Investment of Insurance Fund
		56.150	Expenses of Administration
		56.160	Reinsurance
		56.170	Inspection for Fire Hazards + Adjustment of Premiums
		56.180	Fund Exceeding \$5,000,000 + Use of Fund + Disposition of Excess
56.185	State Agencies to Comply with National Flood Insurance Program (NFIP) Requirements for New Construction		

Title	Chapter	Revised Statute	Regarding
<i>Title IX: Counties, Cities, and Other Local Units</i>	Chapter 75: Fire and Protection Districts	75.470	KRS 75.400 to 75.460 Not to Be Construed to Conflict with Authority of Other Named Agencies
<i>Title IX: Counties, Cities, and Other Local Units</i>	Chapter 99: Urban Renewal and Redevelopment	99.530	Urban Renewal Projects
		99.540	Urban Renewal Plan
		99.550	Power and Authority of Agency with Respect to Urban Renewal
		99.565	Acquisition of Property in Order to Receive Federal Funds

Title	Chapter	Revised Statute	Regarding
<i>Title IX: Counties, Cities, and Other Local Units</i>	Chapter 100: Planning and Zoning	100.111	Definitions for Chapter
		100.113	Types of Planning Units Permitted
		100.117	Independent Planning Units
		100.121	Joint Planning Units
		100.123	Regional Planning Units
		100.127	Written Agreements for Joint or Regional Planning Units + Filing Fees + Exception When Planning Unit Includes County with Consolidated Local Government
		100.131	Area of Jurisdiction
		100.183	Comprehensive Plan Required
		100.187	Contents of Comprehensive Plan
		100.191	Research Requirements for Comprehensive Plan
		100.193	Statement of Goals and Objectives
		100.197	Adoption of Plan Elements
		100.201	Interim and Permanent Land-Use Regulations Authorized
		100.202	Land-Use Regulation Permitting Placement of All Property with Planning Unit within a Single Zone
		100.203	Content of Zoning Regulations
		100.204	Effect of KRS 100.203
		100.205	Identical Zoning Regulations Among Cities and Counties Comprising Joint Planning Unit Not Required
		100.207	Text and Map of Zoning Regulations
		100.208	Transferable Development Rights
		100.209	Amendment of Comprehensive Plan Prior or Annexation Permitted
		100.211	Procedure for Amending Zoning Map and Text of Regulation
		100.2111	Alternative Regulation for Zoning Map Amendment
		100.212	Notice of Hearing on Proposed Map Amendment
		100.213	Findings Necessary for Proposed Map Amendment
100.214	Hearing on Proposed Map Amendment in County Containing City of the First Class or Consolidated Local Government		

Title	Chapter	Revised Statute	Regarding
<p style="text-align: center;"><i>Title IX: Counties, Cities, and Other Local Units</i></p>	<p style="text-align: center;">Chapter 104: Flood Control and Water Usage</p>	104.030	Power of Cities to Extend Flood Control Systems Outside City Boundaries + Acquisition of Property
		104.190	Receipt and Disbursement of Federal Flood Control Payments
		104.450	Definitions for KRS 104.450 to 104.680
		104.460	Power of Secretary for Energy and Environment to Establish Districts
		104.470	Districts: When May Be Established + Purpose + Boundaries
		104.480	Petitions for District + Signature Requirement
		104.490	Contents of Petition
		104.500	Amendment of Petition + Multiple Petitions
		104.510	Bond or Deposit for Costs
		104.520	Boundaries of District: Determination of + When Cities of First Three (3) Classes May Be Included
		104.530	Notice of Application for Creation of District
		104.540	Court Actions Opposing Creation of District
		104.550	Certificate of Establishment of District: Issuance + Filing + General Powers of District
		104.560	Conclusiveness of Certificate
		104.570	Office and Records of District
		104.580	Board of Directors: Appointment + Qualifications + Term + Vacancies + Removal of Board Members
		104.590	Oath and Bond of Directors
		104.600	Quorum of Board: How Business Conducted
		104.610	Officers and Employees of Board + Seal + Records + Expenses + Rules and Regulations + Civil Liabilities + Audits
		104.620	Secretary: Duties + Attestation of Records
		104.630	Treasurer: Duties + Bond + Countersigning of Checks
		104.640	Attorney, Engineer, and Other Employees + Supplies and Equipment
		104.650	Contracts for Work, Materials, or Supplies
104.660	Stream and Rain Gages, Scientific Surveys, Etc. + Reports		
104.670	Tax for District: Levy and Collection of		
104.680	Depreciation Fund + Operation and Management Fund		

Title	Chapter	Revised Statute	Regarding
<i>Title XII: Conservation and State Development</i>	Chapter 147: State and Area Planning: Regional Development	147.110	Use of Federal Funds and State Planning Funds
		147.610	Authority to Establish Area Planning Commission
<i>Title XII: Conservation and State Development</i>	Chapter 147A: Program Development	147A.029	Disbursement of Funds for Local Match Participation Program
		147A.050	Area Development Districts (ADDs)
		147A.060	ADDs: Board of Directors for Each ADD
		147A.070	ADDs: Appointment of Executive Director
		147A.080	ADDs: Powers of Board of Directors
		147A.090	ADDs: Duties of Board of Directors
		147A.100	ADDs: Allocation of Funds to
		147A.110	ADDs: District Projects and Property Exempt from Taxation
		147A.120	ADDs: Limitation on Districts' Functions, Powers, and Duties (i.e. Lack Thereof)
		147A.125	Regional Planning Council
147A.140	ADDs: District Preparation of Solid Waste Management Plan		
<i>Title XII: Conservation and State Development</i>	Chapter 151: Geology and Water Sources	151.600	Public Information Program for Floodplain Management and Flood Hazard Mitigation Programs
<i>Title XIII: Education</i>	Chapter 158: Conduct of Schools + Special Program	158.070	School Term + Professional Development + Holidays and Days Closed + Continuing Education for Certain Students + Breakfast Program
		158.163	Earthquake and Tornado Emergency Procedure System
<i>Title XIII: Education</i>	Chapter 160: School Districts	160.599	Emergency Loans to Public Common School Districts
<i>Title XV: Roads, Waterways, and Aviation</i>	Chapter 174: Transportation Cabinet	174.135	Division of Incident Management
		174.200	Water Transportation Advisory Board: Members + Officers + Meetings
		174.205	Duties of Water Transportation Advisory Board
		174.210	Riverport Financial Assistance Trust Fund: Contributions + Purpose + Grants + Annual Report

Title	Chapter	Revised Statute	Regarding
<i>Title XVII: Economic Security and Public Welfare</i>	Chapter 198B: Housing, Buildings, and Construction + Building Codes	198B.050	Uniform State Building Code
		198B.060	Local Enforcement of Uniform State Building Code
		198B.070	Appeals
		198B.080	Amendments to the Uniform State Building Code
		198B.090	Certification of Professional Classifications
		198B.095	Authorization for Building Inspectors Training Program
		198B.100	Manufactured or Mobile Home Exemption
		198B.110	Effective Dates for Uniform State Building Code
		198B.120	Injunctions to Enforce Building Code Compliance
		198B.130	Private Action for Damages
		198B.135	Presumption Regarding Defectiveness of Building Design, Construction, Material, or Supplies
		198B.140	Hindrances of Building Inspectors Prohibited
		198B.290	Issuance of Rebuilding Permits for Certain Types of Property Contiguous to River in Counties with City of First Class or Consolidated Local Government and Cities within Such a County

Title	Chapter	Revised Statute	Regarding
<i>Title XVIII: Public Health</i>	Chapter 211: State Health Programs	211.855	Cabinet's Role as Radon Control Agency for Commonwealth
		211.856	Certification of Persons Engaged in Radon Analysis, Mitigation, or Testing + Fees
		211.900	Definitions for KRS 211.905 to 211.994
		211.901	Statewide Program for Prevention, Screening, Diagnosis, and Treatment of Lead Poisoning
		211.902	Reports on Persons with Excess Level of Lead in Blood
		211.903	Testing for Lead Poisoning
		211.904	Education Programs
		211.905	Inspection of Dwellings or Dwelling Unit of Occupant with Confirmed Elevated Lead Blood Level
<i>Title XVIII: Public Health</i>	Chapter 224A: Kentucky Infrastructure Authority	224A.314	Study of Water Resource Potential of Underground Coal Mines and High-Yield Water Wells + Funding for Study
<i>Title XIX: Public Safety and Morals</i>	Chapter 227: Fire Prevention and Protection	227.250	Duty of Insurers to Report Losses from Fire, Lightning, Hazardous Materials, Flammable Liquids, or Explosions
		227.300	Standards of Safety + Conformance with Uniform State Building Code + Publication of Guidelines + Supplemental Regulations on Temporary Change-of-Use
		227.330	Powers of State Fire Marshal Relating to Fire Hazards + Orders + Appeals
		227.380	Fire Chief May Order Fire Hazard Removed + Appeal
		227.470	Cooperative Agreements with Local Governments
		227.990	Penalties

Title	Chapter	Revised Statute	Regarding
<i>Title XXVI: Occupations and Professions</i>	Chapter 311A: Emergency Medical Services	311A.020	Powers and Duties of Board + Executive Director and Deputy Executive Director + Persons Employed by Board
<i>Title XXVIII: Mines and Minerals</i>	Chapter 350: Surface Coal Mining	350.570	Right of Cabinet to Enter Upon Land for Reclamation Purposes + Acquisition and Disposal of Land by Commonwealth
		350.575	Lien for Reclamation
		350.580	Reclamation of Surface Impacts of Underground or Surface Mining
		350.585	Emergency Restoration and Reclamation
		350.590	Power of Cabinet to Administer Provisions of Abandoned Mine Land Enhancement Program
		350.595	Bond Pool Fund for Abandoned Mine Land Enhancement Program
		350.597	Special Trust Fund
<i>Title XXVIII: Mines and Minerals</i>	Chapter 352: Mining Regulations	352.640	Emergency Action Plans: Components + Copies + Training + Evacuation and Fire-Fighting Programs