

39A.270 Use of publicly owned resources at impending, happening, or response phase of disaster or emergency.

- (1) During the threatened or impending happening of a disaster or emergency, the Governor, the Adjutant General, or the Director may authorize the use of public employees, equipment, supplies, materials, funds, or any other publicly owned or supported resources to assist in the mitigation of the potential effects of the disaster or emergency, regardless of whether the use is on public or private property.
- (2) During the actual happening of and any part of the response phase of a disaster or emergency the Governor, the Adjutant General, or the Director, shall, when necessary or desirable, authorize the use of public employees, equipment, supplies, materials, funds, or any other publicly owned or supported resource to assist in the operations of government, or the private sector, necessary to deal with the disaster or emergency, regardless of whether the use is on public or private property.
- (3) During the actual happening or any part of the response phase of a disaster or declared emergency, the Governor or the General Assembly may, by executive action, legislation, or administrative regulation promulgated under KRS Chapter 13A, declare which of the following services, if any, are essential:
 - (a) Those individuals and businesses that are necessary to deal with the response to the disaster or declared emergency or that protect the life and health of Kentucky citizens;
 - (b) Individuals and businesses that are engaged in conduct, business, or an activity that otherwise constitutes a critical infrastructure sector as determined by the United States Department of Homeland Security's Cybersecurity and Infrastructure Security Agency, or its successor; or
 - (c) Individuals and businesses that are charged with responsibility for a governmental function related to a declared emergency or that is not in the ordinary course of conduct or business, including responsibilities that require changes to the medical, manufacturing, or educational environment in which they typically operate.
- (4) After the active or response phase of the disaster or emergency has passed and the recovery phase has begun, the Governor, the Adjutant General, or the Director may authorize the use of public employees, equipment, supplies, funds, or any other publicly owned or supported resources to assist in the recovery phase of the disaster or emergency, regardless of whether the use is on public or private property.
- (5) A formal declaration of disaster or emergency shall not be necessary to invoke the provisions of subsection (1) or (2) of this section.

Effective: April 11, 2021

History: Amended 2021 Ky. Acts ch. 205, sec. 5, effective April 11, 2021. -- Created 1998 Ky. Acts ch. 226, sec. 26, effective July 15, 1998.