

REGULATORY IMPACT ANALYSIS
AND TIERING STATEMENT

Administrative Regulation: 800 KAR 1:020E
Contact person: Benjamin Long, General Counsel
Phone Number: (502) 782-2736
Electronic mail: Benjamin.Long@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This emergency administrative regulation establishes procedures, consistent with the public purpose of Executive Order 2021-925, regarding expenditure of monies from the Team Western Kentucky Tornado Relief Fund to qualified nonprofit organizations and Kentucky residents affected by the severe weather events of December 10 and 11, 2021, and to pay for funeral expenses for individuals whose deaths were related to the severe weather events of December 10 and 11, 2021.

(b) The necessity of this administrative regulation: This emergency administrative regulation is necessary to assist the Secretary of the Public Protection Cabinet in carrying out the duties set forth in KRS 11.065, KRS 12.270(2), and Executive Order 2021-925 to establish and administer Team Western Kentucky Tornado Relief Fund.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 11.065 makes the Secretary of the Public Protection Cabinet a member of the Governor's Executive Cabinet and requires that the Secretary shall, among other things, perform duties the Governor may require. KRS 12.270(2) authorizes each cabinet secretary to accept and expend funds from any source, whether public or private, in support of the duties and responsibilities of the related cabinet. Executive Order 2021-925 requires the Secretary to establish standards regarding acceptance and expenditure of, including establishing eligibility criteria and a process for receiving, adjudicating, and paying requests for financial assistance from the Fund. KRS 39A.180(1) authorizes the political subdivisions of the state and other agencies designated or appointed by the Governor to make, amend, and rescind orders and promulgate administrative regulations necessary for disaster and emergency response purposes and to supplement the carrying out the provisions of KRS Chapter 39A, if not inconsistent with any orders or administrative regulations promulgated by the Governor or by any state agency exercising a power delegated to it by the Governor.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This emergency administrative regulation establishes procedures for distribution of monies from the Team Western Kentucky Tornado Relief Fund to qualified nonprofit organizations and Kentucky residents affected by the severe weather events of December 10 and 11, 2021, and to pay for funeral expenses for individuals whose deaths were related to the severe weather events of December 10 and 11, 2021, including establishing eligibility criteria and a process for receiving, adjudicating, and paying requests as required by KRS 12.270(2) and Executive Order 2021-925.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is not applicable as this is an emergency administrative regulation.

- (b) The necessity of the amendment to this administrative regulation: This is not applicable as this is an emergency administrative regulation.
 - (c) How the amendment conforms to the content of the authorizing statutes: This is not applicable as this is an emergency administrative regulation.
 - (d) How the amendment will assist in the effective administration of the statutes: This is not applicable as this is an emergency administrative regulation.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This emergency administrative regulation affects the Public Protection Cabinet and all potential applicants seeking to receive financial assistance from the Team Western Kentucky Tornado Relief Fund, including qualified nonprofit organizations who may be provided distributions from the fund. Kentucky residents affected by the severe weather events of December 10 and 11, 2021, and individuals who are responsible, or would be responsible absent donations, for the payment of funeral expenses for individuals whose deaths were related to the severe weather events of December 10 and 11, 2021, may receive direct financial assistance from the Fund.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
- (a) List the actions that each of the regulated entities identified in question (3) will have to comply with this administrative regulation or amendment: The Public Protection Cabinet will have to receive, adjudicate, or pay requests for assistance from the Team Western Kentucky Tornado Relief Fund. Applicant qualified nonprofit organizations will have to meet the eligibility and application requirements established by this emergency administrative regulation.
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Any costs to the Public Protection Cabinet will be met with existing Cabinet funds. There is no fee associated with an application to receive financial assistance from the Team Western Kentucky Tornado Relief Fund.
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This emergency administrative regulation enables the Public Protection Cabinet to grant financial assistance to eligible applicant qualified nonprofit organizations through the Team Western Kentucky Tornado Relief Fund. Monies from the Fund may also be distributed directly to Kentucky residents affected by the severe weather events of December 10 and 11, 2021. This emergency administrative regulation further provides that a person responsible for the payment of funeral expenses for an individual whose death was related to the severe weather events of December 10 and 11, 2021, may receive direct financial assistance from the Fund in an amount not to exceed \$10,000 for the purpose of assisting in the payment of those funeral expenses.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:

- (a) Initially: There are no anticipated additional initial costs to administer this emergency administrative regulation. Any costs to the Public Protection Cabinet will be met with existing Cabinet funds.
- (b) On a continuing basis: There are no anticipated additional costs to administer this emergency administrative regulation on a continuing basis. Any costs to the Public Protection Cabinet will be met with existing Cabinet funds.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation of this emergency administrative regulation is not anticipated to result in additional costs to the Public Protection Cabinet. Any Cabinet costs resulting from this emergency administrative regulation will be met with existing Cabinet funds. Any awards granted to eligible organizations or individuals or for funeral expenses will come from the Team Western Kentucky Tornado Relief Fund.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This emergency administrative regulation will not necessitate an increase in fees or require funding to the Public Protection Cabinet for implementation.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees directly or indirectly increased by this emergency administrative regulation.
- (9) TIERING: Is tiering applied? (Explain why tiering was or was not used.) Tiering is not applied as no qualified nonprofit organizations will be disproportionately impacted by this regulation.