

1 AN ACT relating to disaster relief.

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

3 ➔Section 1. KRS 38.030 is amended to read as follows:

4 (1) Only the Governor shall have the authority to order units and members of the
5 Kentucky National Guard into state active duty.

6 (a) The Governor may order units and individual members of the Kentucky
7 National Guard into state active duty for any of the following purposes:

- 8 1. Protecting lives and property;
- 9 2. Assisting in disaster relief or other humanitarian efforts;
- 10 3. Preventing or suppressing riot or civil disorder;
- 11 4. Enforcing the laws of the Commonwealth; or
- 12 5. Other similar purpose.

13 (b) 1. In addition to ordering personnel and units to state active duty, the
14 Governor may order other members of the Kentucky National Guard to
15 participate in or perform duty in support of state active duty missions
16 notwithstanding the fact that they are then entitled to receive federal pay
17 and allowances pursuant to Title 32 of the United States Code.

18 2. The personnel may be ordered to perform state active duty support
19 missions either prior to, during, or after the time that state active duty
20 missions are planned or performed.

21 (c) 1. Members of the National Guard who are ordered to perform duty as
22 provided in subsection (1)(b) of this section while they are entitled to
23 receive federal pay under Title 32 of the United States Code shall have
24 all of the powers, immunities, and benefits conferred by law upon
25 persons ordered to state active duty except that they shall receive no
26 additional pay for the duty and the provisions of KRS 38.235 shall not
27 apply to them.

1 2. The powers, immunities, and benefits conferred upon those persons shall
2 be in addition to, and not in place of, those powers, immunities, and
3 benefits provided under federal law.

4 (d) Any member of the National Guard may, with his consent, be ordered to state
5 active duty without pay.

6 (2) (a) The Governor may direct the commanding officer of the military forces
7 ordered to state active duty to report to any civil officer, including, but not
8 limited to, judge, county judge/executive, mayor, sheriff, or head of law
9 enforcement or other public agency in whose jurisdiction the state active duty
10 mission is to be performed.

11 (b) The civil officer may advise the commanding officer regarding the specific
12 objectives to be accomplished by the military force, but the tactical direction
13 and disposition of the troops and the particular means to be employed to
14 accomplish the mission shall be left solely to the commanding officer of the
15 National Guard.

16 (3) Troops shall not be relieved from active field service except by order of the
17 Governor.

18 (4) (a) National Guard officers, enlisted soldiers, and airmen who are temporarily or
19 permanently disabled as a direct result of an injury or disease arising out of the
20 performance of an act in the line of duty while on state active duty shall, at the
21 discretion of the Governor, remain on paid state active duty status until a
22 competent medical authority releases them to return to their normal activities
23 or the Governor deems it appropriate to relieve the individual from state active
24 duty status.

25 (b) Compensation paid to the soldier or airman by the department shall be
26 adjusted and maintained at the soldier's or airman's regular rate of active duty
27 pay; however, compensation paid by the department shall be reduced by the

1 amount of payments received from workers' compensation insurance, Social
2 Security benefits, and other federal or state-financed disability programs
3 designed to supplement the soldier's or airman's income. Final compensation
4 shall not be reduced by payments for medical care.