

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 93 – 14

May 10, 1993

RE: A County Emergency Planning Committee asks whether KRS 11A.110 is applicable to its members.

This matter was reviewed at the May 10, 1993, meeting of the Executive Branch Ethics Commission and the following opinion is issued.

The question has been posed to the Executive Branch Ethics Commission ("the Commission") as to whether KRS 11A.110 is applicable to the members of the Fayette County Emergency Planning Committee ("the Committee").

The relevant facts are as follows. Federal law requires the governor of each state to appoint a state emergency response commission and establish local emergency planning districts to plan for responses to chemical incidents and to educate the public about chemical preparedness. KRS 39.800, *et seq.* implements this law and pursuant to KRS 39.815, the Kentucky Emergency Response Commission (the "KEREC") has appointed 120 Local Emergency Planning Committees (the "LEPC") in the state. These committees are comprised of representatives from various local groups. The committees' duties include planning for emergency incidents and making information available to the public about hazardous substances present in the community.

You state that members of the Committee are considered to be "agents" of the state for all purposes and do not receive compensation. The Committees' funding has been limited to donations, and local grants, and a KEREC grant.

You raise the question: are uncompensated Committee members who are "agents" of the state "public servants" within the meaning of KRS Chapter 11A?

KRS Chapter 11A is applicable to certain personnel in the executive branch "of state government." These personnel are listed in KRS 11A.010(9). Members of a County Emergency Planning Committee are not compensated by nor accountable to the executive branch of state government. Therefore, the members are not considered employees in the executive branch, and thus, in our opinion, the requirements of KRS 11A.110 are not applicable to the members.