

1 AN ACT relating to fire protection and making an appropriation therefor.

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

3 ➔Section 1. KRS 95A.520 is amended to read as follows:

- 4 (1) ***For volunteer fire departments merging prior to the effective date of this Act,*** the
5 Commission on Fire Protection Personnel Standards and Education shall pay to the
6 merged district, for the first, second, and third years after the merger, the number of
7 qualified shares of volunteer fire department aid allotted under KRS 95A.262(2)
8 equal to the total number of qualified shares that each department would have
9 received previous to merger;
- 10 (2) The Commission on Fire Protection Personnel Standards and Education shall pay to
11 the merged district, for the fourth, fifth, and sixth years after the merger, the number
12 of qualified shares of volunteer fire department aid allotted under KRS 95A.262(2)
13 equal to fifty percent (50%) of the total number of qualified shares that each
14 department would have received previous to merger, plus one (1) yearly disbursement of
15 four thousand dollars (\$4,000) as a merger incentive; and
- 16 (3) The Commission on Fire Protection Personnel Standards and Education shall pay to
17 the merged district, for the seventh year after the merger and thereafter, one (1)
18 qualified share of volunteer fire department aid allotted under KRS 95A.262(2).

19 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 95A IS CREATED TO
20 READ AS FOLLOWS:

- 21 ***(1) For volunteer fire departments merging on or after the effective date of this Act,***
22 ***the Commission on Fire Protection Personnel Standards and Education shall pay***
23 ***to the resulting merged district the number of qualified shares of volunteer fire***
24 ***department aid allotted under subsection (2) of Section 5 of this Act equal to the***
25 ***total number of qualified shares that each merging department would have***
26 ***received prior to merger for a period of twenty (20) years after the date of the***
27 ***merger. Upon the expiration of the twenty (20) year period, the merged district***

1 shall be entitled to one (1) share.

2 (2) If the resulting merged district does not remain qualified to receive the volunteer
 3 fire department aid allotted under subsection (2) of Section 5 of this Act, then the
 4 Commission on Fire Protection Personnel Standards and Education shall
 5 suspend all payments calculated under subsection (1) of this section. The merged
 6 district shall have ninety (90) days to come into compliance with the requirements
 7 for qualification. If the merged district does so, then the commission shall resume
 8 payments as calculated under subsection (1) of this section. If the merged district
 9 does not come into compliance within ninety (90) days of the loss of qualification,
 10 then the commission shall not resume payments as calculated under subsection
 11 (1) of this section. Should the merged district come into compliance after ninety
 12 (90) days, it shall receive only one (1) qualified share of the volunteer fire
 13 department aid under subsection (2) of Section 5 of this Act for the remainder of
 14 the twenty (20) year period whereupon, if qualified, it shall receive one (1)
 15 payment pursuant to subsection (2) of Section 5 of this Act.

16 ➔Section 3. KRS 95A.540 is amended to read as follows:

17 For volunteer fire departments merging prior to the effective date of this Act, if a new
 18 volunteer fire department is created from territory in an existing fire department merged
 19 under the provisions of KRS 95A.500 to 95A.560, the newly created volunteer fire
 20 district shall be able to receive one (1) share at the next regular disbursement date, if
 21 qualified. The parent fire department shall have aid allotted under KRS 95A.262(2)
 22 reduced by one (1) qualified share for calculations of aid, for the first, second, third,
 23 fourth, fifth, and sixth years after merger.

24 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 95A IS CREATED TO
 25 READ AS FOLLOWS:

26 For volunteer fire departments merging on or after the effective date of this Act, if a
 27 new volunteer fire department is created from territory in an existing fire department

1 merged under the provisions of KRS 95A.500 to 95A.560, the newly created volunteer
2 fire district shall be able to receive one (1) share of the volunteer fire department aid
3 under subsection (2) of Section 5 of this Act at the next regular disbursement date, if
4 qualified.

5 ➔Section 5. KRS 95A.262 is amended to read as follows:

6 (1) The Commission on Fire Protection Personnel Standards and Education shall, in
7 cooperation with the Cabinet for Health and Family Services, develop and
8 implement a continuing program to inoculate every paid and volunteer firefighter in
9 Kentucky against hepatitis A and B. The program shall be funded from revenues
10 allocated to the Firefighters Foundation Program fund pursuant to KRS 136.392 and
11 42.190, not to exceed five hundred thousand dollars (\$500,000) per fiscal year.

12 (2) (a) Except as provided in subsection (3) of this section, the Commission on Fire
13 Protection Personnel Standards and Education shall allot on an annual basis a
14 share of the funds accruing to and appropriated for volunteer fire department
15 aid to volunteer fire departments in cities of all classes, fire protection districts
16 organized pursuant to KRS Chapter 75, county districts established under
17 authority of KRS 67.083, and volunteer fire departments created as nonprofit
18 corporations pursuant to KRS Chapter 273.

19 (b) The commission shall allot eleven thousand dollars (\$11,000) annually to each
20 qualifying department.

21 (c) Any qualifying department which fails to participate satisfactorily in the
22 Kentucky fire incident reporting system as described in KRS 304.13-380 shall
23 forfeit annually five hundred dollars (\$500) of its allotment.

24 (d) If two (2) or more qualified volunteer fire departments, as defined in KRS
25 95A.500 to 95A.560, merge after January 1, 2000, then the allotment shall be
26 in accordance with the provisions of KRS 95A.500 to 95A.560.

27 (e) Administrative regulations for determining qualifications shall be based on the

1 number of both paid firefighters and volunteer firemen within a volunteer fire
2 department, the amount of equipment, housing facilities available, and any
3 other matters or standards that will best effect the purposes of the volunteer
4 fire department aid law. A qualifying department shall:

- 5 1. Include at least twelve (12) firefighters;
- 6 2. Have a chief;
- 7 3. Have at least one (1) operational fire apparatus or one (1) on order; and
- 8 4. Have at least fifty percent (50%) of its firefighters who have completed
9 at least one-half (1/2) of one hundred fifty (150) training hours, or as
10 otherwise established by the commission under KRS 95A.240(6),
11 toward certification within the first six (6) months of the first year of the
12 department's application for certification, and there shall be a plan to
13 complete the one hundred fifty (150) training hours, or as otherwise
14 established by the commission by KRS 95A.240(6), within the second
15 year.

16 These personnel, equipment, and training requirements shall not be made
17 more stringent by the promulgation of administrative regulations. *If the*
18 *commission requires volunteer firefighters to have annual continuing*
19 *education credits in order to be certified by the commission, then the*
20 *commission shall provide annual continuing education opportunities and*
21 *training at no cost to the volunteer firefighters and volunteer fire*
22 *departments. The commission shall provide sufficient annual continuing*
23 *education opportunities and training so that all volunteer firefighters*
24 *participating in commission-sponsored training may achieve the required*
25 *number of credit hours toward certification for the year if the volunteer*
26 *firefighters successfully complete the training.*

- 27 (f) No allotment shall exceed the total value of the funds, equipment, lands, and

1 buildings made available to the local fire units from any source whatever for
2 the year in which the allotment is made.

3 (g) A portion of the funds provided for above may be used to purchase group or
4 blanket health insurance and shall be used to purchase workers' compensation
5 insurance, and the remaining funds shall be distributed as provided in this
6 section.

7 (3) There shall be allotted two hundred thousand dollars (\$200,000) of the insurance
8 premium surcharge proceeds accruing to the Firefighters Foundation Program fund
9 that shall be allocated each fiscal year of the biennium to the firefighters training
10 center fund, which is hereby created and established, for the purposes of
11 constructing new or upgrading existing training centers for firefighters. If any
12 moneys in the training center fund remain uncommitted, unobligated, or
13 unexpended at the close of the first fiscal year of the biennium, then such moneys
14 shall be carried forward to the second fiscal year of the biennium, and shall be
15 reallocated to and for the use of the training center fund, in addition to the second
16 fiscal year's allocation of two hundred thousand dollars (\$200,000). Prior to funding
17 any project pursuant to this subsection, a proposed project shall be approved by the
18 Commission on Fire Protection Personnel Standards and Education as provided in
19 subsection (4) of this section and shall comply with state laws applicable to capital
20 construction projects.

21 (4) Applications for funding low-interest loans and firefighters' training centers shall be
22 submitted to the Commission on Fire Protection Personnel Standards and Education
23 for their recommendation, approval, disapproval, or modification. The commission
24 shall review applications periodically, and shall, subject to funds available,
25 recommend which applications shall be funded and at what levels, together with any
26 terms and conditions the commission deems necessary.

27 (5) Any department or entity eligible for and receiving funding pursuant to this section

1 shall have a minimum of fifty percent (50%) of its personnel certified as recognized
2 by the Commission on Fire Protection Personnel Standards and Education.

3 (6) Upon the written request of any department, the Commission on Fire Protection
4 Personnel Standards and Education shall make available a certified training
5 program in a county of which such department is located.

6 (7) The amount of reimbursement for any given year for costs incurred by the Kentucky
7 Community and Technical College System for administering these funds, including
8 but not limited to the expenses and costs of commission operations, shall be
9 determined by the commission and shall not exceed five percent (5%) of the total
10 amount of moneys accruing to the Firefighters Foundation Program fund which are
11 allotted for the purposes specified in this section during any fiscal year.

12 (8) The commission shall withhold from the general distribution of funds under
13 subsection (2) of this section an amount which it deems sufficient to reimburse
14 volunteer fire departments for equipment lost or damaged beyond repair due to
15 hazardous material incidents.

16 (9) Moneys withheld pursuant to subsection (8) of this section shall be distributed only
17 under the following terms and conditions:

18 (a) A volunteer fire department has lost or damaged beyond repair items of
19 personal protective clothing or equipment due to that equipment having been
20 lost or damaged as a result of an incident in which a hazardous material (as
21 defined in any state or federal statute or regulation) was the causative agent of
22 the loss;

23 (b) The volunteer fire department has made application in writing to the
24 commission for reimbursement in a manner approved by the commission and
25 the loss and the circumstances thereof have been verified by the commission;

26 (c) The loss of or damage to the equipment has not been reimbursed by the person
27 responsible for the hazardous materials incident or by any other person;

- 1 (d) The commission has determined that the volunteer fire department does not
2 have the fiscal resources to replace the equipment;
- 3 (e) The commission has determined that the equipment sought to be replaced is
4 immediately necessary to protect the lives of the volunteer firefighters of the
5 fire department;
- 6 (f) The fire department has agreed in writing to subrogate all claims for and rights
7 to reimbursement for the lost or damaged equipment to the Commonwealth to
8 the extent that the Commonwealth provides reimbursement to the department;
9 and
- 10 (g) The department has shown to the satisfaction of the commission that it has
11 made reasonable attempts to secure reimbursement for its losses from the
12 person responsible for the hazardous materials incident and has been
13 unsuccessful in the effort.
- 14 (10) If a volunteer fire department has met all of the requirements of subsection (9) of
15 this section, the commission may authorize a reimbursement of equipment losses
16 not exceeding ten thousand dollars (\$10,000) or the actual amount of the loss,
17 whichever is less.
- 18 (11) Moneys which have been withheld during any fiscal year which remain unexpended
19 at the end of the fiscal year shall be distributed in the normal manner required by
20 subsection (2) of this section during the following fiscal year.
- 21 (12) No volunteer fire department may receive funding for equipment losses more than
22 once during any fiscal year.
- 23 (13) The commission shall make reasonable efforts to secure reimbursement from the
24 responsible party for any moneys awarded to a fire department pursuant to this
25 section.
- 26 (14) The commission, in accordance with the procedures in subsection (4) of this
27 section, may make low-interest loans, and the interest thereon shall not exceed three

1 percent (3%) annually or the amount needed to sustain operating expenses of the
2 loan fund, whichever is less, to volunteer fire departments for the purposes of major
3 equipment purchases and facility construction. Loans shall be made to departments
4 which achieve the training standards necessary to qualify for volunteer fire
5 department aid allotted pursuant to subsection (2) of this section, and which do not
6 have other sources of funds at rates which are favorable given their financial
7 resources. The proceeds of loan payments shall be returned to the loan fund for the
8 purpose of providing future loans. If a department does not make scheduled loan
9 payments, the commission may withhold any grants payable to the department
10 pursuant to subsection (2) of this section until the department is current on its
11 payments. Money in the low-interest loan fund shall be used only for the purposes
12 specified in this subsection. Any funds remaining in the fund at the end of a fiscal
13 year shall be carried forward to the next fiscal year for the purposes of the fund.

14 (15) Each fiscal year there shall be allotted one million dollars (\$1,000,000) from the
15 fund established in KRS 95A.220 to be used by the commission to conduct training-
16 related activities.

17 (16) If funding is available from the fund established in KRS 95A.220, the Commission
18 on Fire Protection Personnel Standards and Education may implement the
19 following:

20 (a) A program to prepare emergency service personnel for handling potential
21 man-made and non-man-made threats. The commission shall work in
22 conjunction with the state fire marshal and other appropriate agencies and
23 associations to identify and make maps of gas transmission and hazardous
24 liquids pipelines in the state;

25 (b) A program to provide and maintain a mobile test facility in each training
26 region established by the Commission on Fire Protection Personnel Standards
27 and Education with equipment to administer Comprehensive Physical

- 1 Aptitude Tests (CPAT) to ascertain a firefighter's ability to perform the
2 physical requirements necessary to be an effective and safe firefighter;
- 3 (c) A program to provide defensive driving training tactics to firefighters. The
4 commission shall purchase, instruct in the use of, and maintain mobile
5 equipment in each of the training regions, and fund expenses related to
6 equipment replacement;
- 7 (d) A program to annually evaluate equipment adequacy and to provide for annual
8 physical examinations for instructors, adequate protective clothing and
9 personal equipment to meet NFPA guidelines, and to establish procedures for
10 replacing this equipment as needed;
- 11 (e) A program to establish a rotational expansion and replacement program for
12 mobile fleet equipment currently used for training and recertification of fire
13 departments;
- 14 (f) A program to expand and update current emergency medical services,
15 emergency medical responder, emergency medical technician, advanced
16 emergency medical technician, and paramedic training and certification
17 instruction; and
- 18 (g) A program to purchase thermal vision devices to comply with the provisions
19 of KRS 95A.400 to 95A.440.