

1 AN ACT relating to the Law Enforcement Foundation Program fund and making an  
2 appropriation therefor.

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

4 ➔Section 1. KRS 15.420 is amended to read as follows:

5 As used in KRS 15.410 to 15.510, unless the context otherwise requires:

6 (1) "Cabinet" means the Justice and Public Safety Cabinet;

7 (2) (a) "Police officer" means:

8 1. A local officer, limited to:

9 a. A full-time:

10 i. Member of a lawfully organized police department of county,  
11 urban-county, or city government; or

12 ii. Sheriff or full-time deputy sheriff, including any sheriff  
13 providing court security or appointed under KRS 70.030; or

14 b. A school resource officer as defined in KRS 158.441; and

15 2. A state officer, limited to:

16 a. A public university police officer;

17 b. A Kentucky state trooper;

18 c. A Kentucky State Police arson investigator;

19 d. A Kentucky State Police hazardous device investigator;

20 e. A Kentucky State Police legislative security specialist;

21 f. A Kentucky vehicle enforcement officer;

22 g. A Kentucky Horse Park mounted patrol officer, subject to KRS  
23 15.460(1)(~~e~~)(~~f~~);

24 h. A Kentucky state park ranger, subject to KRS 15.460(1)(~~e~~)(~~f~~);

25 i. An agriculture investigator;

26 j. A charitable gaming investigator;

27 k. An alcoholic beverage control investigator;

- 1           l.    An insurance fraud investigator;
- 2           m.   An Attorney General investigator; and
- 3           n.    A Kentucky Department of Fish and Wildlife Resources
- 4                 conservation officer~~[-, subject to KRS 15.460(1)(e)]~~;
- 5                 who is responsible for the prevention and detection of crime and the
- 6                 enforcement of the general criminal laws of the state;
- 7       (b) "Police officer" does not include any sheriff who earns the maximum
- 8                 constitutional salary for this office, any special deputy sheriff appointed under
- 9                 KRS 70.045, any constable, deputy constable, district detective, deputy district
- 10                detective, special local peace officer, auxiliary police officer, or any other
- 11                peace officer not specifically authorized in KRS 15.410 to 15.510;
- 12       (3) "Police department" means the employer of a police officer;
- 13       (4) "Retirement plan" means a defined benefit plan consisting of required employer
- 14                contributions pursuant to KRS 61.565, 61.702, or any other provision of law;
- 15       (5) "Unit of government" means any city, county, combination of cities and counties,
- 16                public university, state agency, local school district, or county sheriff's office of the
- 17                Commonwealth; and
- 18       (6) "Validated job task analysis" means the core job description that describes the
- 19                minimum entry level requirements, qualifications, and training requirements for
- 20                peace officers in the Commonwealth, and that is based upon an actual survey and
- 21                study of police officer duties and responsibilities conducted by an entity recognized
- 22                by the council as being competent to conduct such a study.
- 23       ➔Section 2. KRS 15.460 is amended to read as follows:
- 24       (1) (a) Except as provided in subsection (4)(a) of this section, an eligible unit of
- 25                government shall be entitled to receive an annual supplement of three
- 26                thousand dollars (\$3,000) for each qualified police officer it employs. The
- 27                supplement amount shall be increased to four thousand dollars (\$4,000)

1 beginning July 1, 2018.

2 (b) 1. In addition to the supplement, the unit of government shall receive an  
3 amount equal to the required employer's contribution on the supplement  
4 to the retirement plan and duty category to which the officer belongs. In  
5 the case of County Employees Retirement System membership, the  
6 retirement plan contribution on the supplement shall be paid whether the  
7 officer enters the system under hazardous duty coverage or  
8 nonhazardous coverage.

9 2. The unit of government shall pay the amount received for retirement  
10 plan coverage to the appropriate retirement system to cover the required  
11 employer contribution on the pay supplement.

12 3. If the foundation program funds are insufficient to pay employer  
13 contributions to the system, then the total amount available for  
14 retirement plan payments shall be prorated to each eligible government  
15 so that each receives the same percentage of required retirement plan  
16 costs attributable to the cash salary supplement.

17 (c) 1. In addition to the payments received under paragraphs (a) and (b) of this  
18 subsection, but only if sufficient funds are available to make all  
19 payments required under paragraph (b) of this subsection, each unit of  
20 government shall receive an administrative expense reimbursement in an  
21 amount equal to seven and sixty-five one-hundredths percent (7.65%) of  
22 the total annual supplement received greater than three thousand one  
23 hundred dollars (\$3,100) for each qualified police officer that is a local  
24 officer as defined in KRS 15.420(2)(a)1. that it employs, subject to the  
25 cap established by subparagraph 3. of this paragraph.

26 2. The unit of government may use the moneys received under this  
27 paragraph in any manner it deems necessary to partially cover the costs

1 of administering the payments received under paragraph (a) of this  
2 subsection.

3 3. The total amount distributed under this paragraph shall not exceed the  
4 total sum of five hundred twenty-five thousand dollars (\$525,000) for  
5 each fiscal year. If there are insufficient funds to provide for full  
6 reimbursement as provided in subparagraph 1. of this paragraph, then  
7 the amount shall be distributed pro rata to each eligible unit of  
8 government so that each receives the same percentage attributable to its  
9 total receipt of the cash salary supplement.

10 (d) In addition to the payments received under paragraphs (a) and (b) of this  
11 subsection, each unit of government shall receive the associated fringe  
12 benefits costs for the total supplement of four thousand dollars (\$4,000) for  
13 each qualified police officer that is a state officer as defined in KRS  
14 15.420(2)(a)2. that it employs. Fringe benefits shall be limited to retirement  
15 plan contributions and the federal insurance contributions act tax.

16 (e) ~~[Notwithstanding paragraphs (a) to (d) of this subsection, a Kentucky~~  
17 ~~Department of Fish and Wildlife Resources conservation officer appointed~~  
18 ~~pursuant to KRS 150.090(2) and listed in KRS 15.420(2)(a)2.n. shall be a~~  
19 ~~participant in the Kentucky Law Enforcement Foundation Program fund, but~~  
20 ~~shall not receive an annual supplement from that fund. A conservation officer~~  
21 ~~shall receive an annual training stipend commensurate to the annual~~  
22 ~~supplement paid to the police officer as defined in KRS 15.420. The annual~~  
23 ~~training stipend disbursed to a conservation officer shall be paid from the~~  
24 ~~game and fish fund pursuant to KRS 150.150.~~

25 (f) ~~—~~Any peace officer sanctioned by the Tourism, Arts and Heritage Cabinet shall  
26 be deemed a police officer solely for the purpose of inclusion in the Law  
27 Enforcement Foundation Program fund.

- 1 (2) The supplement provided in subsection (1) of this section shall be paid by the unit  
2 of government to each police officer whose qualifications resulted in receipt of a  
3 supplemental payment. The payment shall be in addition to the police officer's  
4 regular salary and, except as provided in subsection (4)(b) of this section, shall  
5 continue to be paid to a police officer who is a member of:
- 6 (a) The Kentucky National Guard during any period of activation under Title 10  
7 or 32 of the United States Code or KRS 38.030; or
- 8 (b) Any reserve component of the United States Armed Forces during any period  
9 of activation with the United States Armed Forces.
- 10 (3) (a) A qualified sheriff who receives the maximum salary allowed by Section 246  
11 of the Kentucky Constitution and KRS 64.527 shall not receive a supplement.
- 12 (b) A qualified sheriff who does not receive the maximum salary allowed by  
13 Section 246 of the Kentucky Constitution and KRS 64.527, excluding the  
14 expense allowance provided by KRS 70.170, shall upon annual settlement  
15 with the fiscal court under KRS 134.192, receive that portion of the  
16 supplement that will not cause his or her compensation to exceed the  
17 maximum salary.
- 18 (c) A qualified sheriff who seeks to participate in the fund shall forward a copy of  
19 the annual settlement prepared under KRS 134.192 to the fund. The sheriff  
20 shall reimburse the fund if an audit of the annual settlement conducted  
21 pursuant to KRS 134.192 reflects that the sheriff received all or a portion of  
22 the supplement in violation of this section. A sheriff who fails to provide a  
23 copy of the annual settlement to the fund or to reimburse the fund after  
24 correction by audit, if required, shall not be qualified to participate in the fund  
25 for a period of two (2) years.
- 26 (d) A qualified deputy sheriff shall receive the supplement from the sheriff if the  
27 sheriff administers his or her own budget or from the county treasurer if the

1 sheriff pools his or her fees. The failure of a sheriff to comply with the  
2 provisions of this section shall not affect the qualification of his or her  
3 deputies to participate in the fund.

4 (4) (a) Eligible units of government shall receive the salary supplement, excluding  
5 funds applicable to the employer's retirement plan contribution, provided in  
6 subsection (1) of this section for distribution to a police officer who is eligible  
7 under subsection (2) of this section.

8 (b) A qualified police officer receiving a salary supplement during any period of  
9 military activation, as provided in subsection (2) of this section, shall not be  
10 entitled to receive the employer's retirement plan contribution, and the salary  
11 supplement shall not be subjected to an employee's contribution to a  
12 retirement plan. The salary supplement shall otherwise be taxable for all  
13 purposes.

14 (5) A unit of government receiving disbursements under this section shall follow all  
15 laws applicable to it that may govern due process disciplinary procedures for its  
16 officers, but this subsection shall not be interpreted to:

17 (a) Authorize the department, the cabinet, or the council to investigate, judge, or  
18 exercise any control or jurisdiction regarding the compliance of a unit of  
19 government with laws that may govern due process disciplinary procedures  
20 for its officers, except as otherwise provided by laws;

21 (b) Create a private right of action for any police officer regarding an agency's  
22 participation in this section;

23 (c) Authorize a termination of an agency's participation as a result of a judgment  
24 that the unit of government failed to follow its procedures in any independent  
25 cause of action brought by the police officer against the unit of government; or

26 (d) Prevent the adoption, amendment, or repeal of any laws that may govern the  
27 due process disciplinary procedures of a unit of government's police officers.

1           ➔Section 3. KRS 150.150 is amended to read as follows:

- 2       (1) (a) Except as provided in this chapter, all moneys derived from the sale of  
 3           licenses or from any other source connected with the administration of this  
 4           chapter shall be promptly paid over to the State Treasurer, who shall deposit  
 5           such moneys in a special fund, known as the game and fish fund, except that  
 6           the moneys shall be entered under separate restricted fund accounts, not  
 7           commingled, and maintained according to generally accepted accounting  
 8           principles.
- 9       (b) Moneys derived from the sale of licenses issued under this chapter shall be  
 10          under separate restricted fund account from any other proceeds derived from  
 11          this chapter or from proceeds obtained under any other chapter.
- 12      (c) The game and fish fund **shall be used to carry out the purposes of this**  
 13          **chapter and any law or regulation for the protection of wildlife and shall**  
 14          **not be used for any other purpose**[-:  
 15              1.—~~Shall be used to:~~  
 16                  a.—~~Carry out the purposes of this chapter and any law or regulation for~~  
 17                      ~~the protection of wildlife; and~~  
 18                  b.—~~Pay the annual supplement provided in KRS 15.460(1)(e); and~~
- 19              2.—~~Shall not be used for any other purpose~~].
- 20      (2) All funds received under KRS 150.110 and 150.520 shall be used by the department  
 21          for the purpose of enforcing those sections and for the protection and propagation of  
 22          mussel beds. Any surplus remaining in the fund at the close of each calendar year  
 23          shall be turned into the general fund of the department.
- 24      (3) In addition to the funds derived pursuant to KRS 186.050(15), the department shall,  
 25          beginning August 1, 2006, and each fiscal year thereafter, set aside not less than  
 26          twenty-five thousand dollars (\$25,000) from the game and fish fund for the purpose  
 27          of promoting hunger relief through specific wildlife management and conservation

1        efforts. The department shall provide for a separate accounting of these funds and  
2        shall, by October 1, 2007, and annually thereafter, report on the expenditures made  
3        pursuant to this subsection to the Governor and the Legislative Research  
4        Commission.

5        (4) The department shall prescribe a method to allow any applicant for a license  
6        required under KRS 150.175 to make, at the time of application, a voluntary  
7        contribution in the amount of two dollars (\$2) for the Becoming an Outdoors-  
8        Woman Program or other hunter and angler recruitment and retention program. The  
9        voluntary contribution shall be deposited into a separate, restricted account within  
10       the game and fish fund. The Becoming an Outdoors-Woman Program shall  
11       encourage women in developing skills for outdoor recreational activities including  
12       but not limited to hunting and angling. The voluntary contribution shall be  
13       automatically added to the cost of the license at the time of sale.