

1 AN ACT relating to the law enforcement and firefighters foundation programs and
2 making an appropriation therefor.

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

4 ➔Section 1. KRS 15.410 is amended to read as follows:

5 It is the intention of the General Assembly to ~~***ensure***~~~~[*assure*]~~ that the criminal laws of the
6 Commonwealth are enforced fairly, uniformly, and effectively throughout the state by
7 strengthening and upgrading~~[*local*]~~ law enforcement; to attract competent, highly
8 qualified young people to the field of law enforcement and to retain qualified and
9 experienced officers for the purpose of providing maximum protection and safety to the
10 citizens of, and the visitors to, this Commonwealth; and to offer a state monetary
11 supplement for~~[*local*]~~ law enforcement officers while upgrading the educational and
12 training standards of such officers.

13 ➔Section 2. KRS 15.420 is amended to read as follows:

14 As used in KRS 15.410 to 15.510~~[*, unless the context otherwise requires*]~~:

15 (1) ***"Council" means the Kentucky Law Enforcement Council;***~~[*"Local Unit of*
16 *government" means any city or county, combination of cities and counties, state or*
17 *public university, or county sheriff's office of the Commonwealth.*]~~

18 (2) "Police officer":

19 ***(a) Means:***

20 ***1. A full-time member of:***

21 ***a. A lawfully organized police department of county, urban-county or***
22 ***city government;***~~[*;*]~~

23 ***b. A sheriff or full-time deputy sheriff, including any sheriff***
24 ***providing court security or appointed under KRS 70.030; or***

25 ***c. The Department of Kentucky State Police;***~~[*;*]~~ or

26 ***2. A ~~[state or]~~public university police officer, employee of a state agency,***
27 ***or employee of a local school district, who is responsible for the***

1 prevention and detection of crime and the enforcement of the general
2 criminal laws of the state;~~;~~ but

3 **(b)** Does not include ~~[Department of Kentucky State Police,]~~ any sheriff who
4 earns the maximum constitutional salary for this office, any special deputy
5 sheriff appointed under KRS 70.045, any constable, deputy constable, district
6 detective, deputy district detective, special local peace officer, auxiliary police
7 officer, or any other peace officer not specifically authorized in KRS 15.410 to
8 15.510;~~;~~

9 (3) **"Unit of government" means any city, county, combination of cities and**
10 **counties, public university, state agency, local school district, or county sheriff's**
11 **office of the Commonwealth; and**~~["Council" means the Kentucky Law~~
12 ~~Enforcement Council.]~~

13 (4) "Validated job task analysis" means the core job description which describes the
14 minimum entry level requirements, qualifications, and training requirements for
15 peace officers in the Commonwealth, which is based upon an actual survey and
16 study of police officer duties and responsibilities conducted by an entity recognized
17 by the~~[Kentucky Law Enforcement]~~ council as being competent to conduct such a
18 study.

19 ➔Section 3. KRS 15.440 is amended to read as follows:

20 (1) Each~~[local]~~ unit of government which meets the following requirements shall be
21 eligible to share in the distribution of funds from the Law Enforcement Foundation
22 Program fund:

23 (a) Employs one (1) or more police officers;

24 (b) Pays every police officer at least the minimum federal wage;

25 (c) **Requires all police officers to have, at a minimum,**~~[Maintains the minimum~~
26 ~~educational requirement of]~~ a high school degree, or its equivalent as
27 determined by the~~[Kentucky Law Enforcement]~~ council, **except that each**

1 *police officer employed prior to the date on which the officer's department*
2 *was included as a participant under KRS 15.410 to 15.510* ~~for employment~~
3 ~~of police officers on or after July 1, 1972, and for all sheriffs appointed or~~
4 ~~elected on or after July 15, 1998, and all deputy sheriffs, and state or public~~
5 ~~university police officers employed after July 15, 1998; provided, however,~~
6 ~~that all police officers employed prior to July 1, 1972, shall be deemed to have~~
7 ~~met the requirements of this subsection, and that all sheriffs serving in office~~
8 ~~on July 15, 1998, all deputy sheriffs, and state or public university police,~~
9 ~~employed prior to July 15, 1998,]~~ shall be deemed to have met the
10 requirements of this subsection;

- 11 (d) 1. Requires all police officers ~~employed on or after July 1, 1972, and all~~
12 sheriffs appointed or elected on or after July 15, 1998, and deputy
13 sheriffs, and state or public university police officers employed on or
14 after January 1, 1998,] to successfully complete a basic training course
15 of nine hundred twenty-eight (928) hours' duration within one (1) year of
16 the date of employment at a school certified or recognized by the ~~the~~
17 ~~Kentucky Law Enforcement]~~ council, which may provide a different
18 number of hours of instruction as established in this paragraph, *except*
19 *that each police officer employed prior to the date on which the*
20 *officer's department was included as a participant under KRS 15.410*
21 *to 15.510* ~~. All sheriffs serving in office on July 15, 1998, all deputy~~
22 ~~sheriffs, and state or public university police, employed prior to January~~
23 ~~1, 1998,]~~ shall be deemed to have met the requirements of this
24 subsection.
- 25 2. As the exclusive method by which the number of hours required for
26 basic training courses shall be modified from that which is specifically
27 established by this paragraph, the council may, by the promulgation of

1 administrative regulations in accordance with the provisions of KRS
2 Chapter 13A, explicitly set the exact number of hours for basic training
3 at a number different from nine~~from nine~~ hundred twenty-eight (928)
4 hours based upon a training curriculum approved by the ~~Kentucky Law~~
5 ~~Enforcement~~ council as determined by a validated job task analysis.

6 3. If the council sets an exact number of hours different from nine hundred
7 twenty-eight (928) in an administrative regulation as set out in this
8 paragraph, it shall not further change the number of hours required for
9 basic training without promulgating administrative regulations in
10 accordance with the provisions of KRS Chapter 13A.

11 4. Nothing in this paragraph shall be interpreted to prevent the council
12 pursuant to its authority under KRS 15.330 from approving training
13 schools with a curriculum requiring attendance of a number of hours that
14 exceeds nine hundred twenty-eight (928) hours or the number of hours
15 established in an administrative regulation set out by subparagraphs 2.
16 and 3. of this paragraph. However, the training programs and schools for
17 the basic training of law enforcement personnel conducted by the
18 department pursuant to KRS 15A.070 shall not contain a curriculum that
19 requires attendance of a number of hours for basic training that is
20 different from nine hundred twenty-eight (928) hours or the number of
21 hours established in an administrative regulation promulgated by the
22 council pursuant to the provisions of KRS Chapter 13A as set out by
23 subparagraphs 2. and 3. of this paragraph;

24 (e) Requires all police officers~~[, whether originally employed before or after July~~
25 ~~1, 1972, and all sheriffs appointed or elected before, on, or after July 15, 1998,~~
26 ~~and all deputy sheriffs and state or public police officers employed before, on,~~
27 ~~or after July 15, 1998,]~~ to successfully complete each calendar year an in-

1 service training course, appropriate to the officer's rank and responsibility and
2 the size and location of the officer's~~his~~ department, of forty (40) hours'
3 duration, of which the number of hours shall not be changed by the council, at
4 a school certified or recognized by the~~Kentucky Law Enforcement~~ council.
5 This requirement shall be waived for the period of time that a peace officer is
6 serving on active duty in the United States Armed Forces. This waiver shall be
7 retroactive for peace officers from the date of September 11, 2001;

8 (f) Complies~~Requires compliance~~ with all provisions of law applicable to
9 police officers or police departments~~local police, state or public university~~
10 ~~police, or sheriffs and their deputies~~, including transmission of data to the
11 centralized criminal history record information system as required by KRS
12 17.150;

13 (g) Complies~~Requires compliance~~ with all~~reasonable~~ rules and regulations,
14 appropriate to the size and location of the~~local~~ police department~~, state or~~
15 ~~public university police department, or sheriff's office,~~ issued by the Justice
16 and Public Safety Cabinet to facilitate the administration of the fund and
17 further the purposes of KRS 15.410 to 15.510;

18 (h) Possesses a written policy and procedures manual related to domestic violence
19 for law enforcement agencies that~~meets the standards set forth by, and~~ has
20 been approved by~~,~~ the Justice and Public Safety Cabinet. The policy shall
21 comply with the provisions of KRS 403.715 to 403.785. The policy shall
22 include a purpose statement~~statements~~; definitions; supervisory
23 responsibilities; procedures for twenty-four (24) hour access to protective
24 orders; procedures for enforcement of court orders or relief when protective
25 orders are violated; procedures for timely and contemporaneous reporting of
26 adult abuse and domestic violence to the Cabinet for Health and Family
27 Services~~Families and Children~~, Department for Community Based Services;

1 victim rights, assistance, and service responsibilities; and duties related to
2 timely completion of records; and

3 (i) Possesses by January 1, 2017, a written policy and procedures manual related
4 to sexual assault examinations that meets the standards set forth by, and has
5 been approved by, the Justice and Public Safety Cabinet, and which includes:

- 6 1. A requirement that evidence collected as a result of an examination
7 performed under KRS 216B.400 be taken into custody within five (5)
8 days of notice from the collecting facility that the evidence is available
9 for retrieval;
- 10 2. A requirement that evidence received from a collecting facility relating
11 to an incident which occurred outside the jurisdiction of the department
12 be transmitted to a department with jurisdiction within ten (10) days of
13 its receipt by the department;
- 14 3. A requirement that all evidence retrieved from a collecting facility under
15 this paragraph be transmitted to the Department of Kentucky State
16 Police forensic laboratory within thirty (30) days of its receipt by the
17 department;
- 18 4. A requirement that a suspect standard, if available, be transmitted to the
19 Department of Kentucky State Police forensic laboratory with the
20 evidence received from a collecting facility; and
- 21 5. A process for notifying the victim from whom the evidence was
22 collected of the progress of the testing, whether the testing resulted in a
23 match to other DNA samples, and if the evidence is to be destroyed. The
24 policy may include provisions for delaying notice until a suspect is
25 apprehended or the office of the Commonwealth's attorney consents to
26 the notification, but shall not automatically require the disclosure of the
27 identity of any person to whom the evidence matched.

- 1 (2) ~~A~~~~[No local]~~ unit of government which meets the criteria of this section shall be
 2 eligible to continue sharing in the distribution of funds from the Law Enforcement
 3 Foundation Program fund ***only if***~~[unless]~~ the~~[local]~~ police department ***remains in***
 4 ***compliance***~~[, state or public university police department, or sheriff's office actually~~
 5 ~~begins and continues to comply]~~ with the requirements of this section~~[-; provided,~~
 6 ~~further, that no local unit shall be eligible to share in the distribution of funds from~~
 7 ~~the Law Enforcement Foundation Program fund until the local police department,~~
 8 ~~state or public university police department, or sheriff's office has substantially~~
 9 ~~complied with subsection (1)(f) and (g) of this section].~~
- 10 (3) ***Deputies employed by*** a sheriff's office shall ***be eligible to participate***~~[not lose~~
 11 ~~eligibility to share]~~ in the distribution of funds from the Law Enforcement
 12 Foundation Program fund ***regardless of participation by***~~[if]~~ the sheriff~~[does not~~
 13 ~~participate in the Law Enforcement Foundation Program fund].~~
- 14 (4) Failure to meet a deadline established in a policy adopted pursuant to subsection
 15 (1)(i) of this section for the retrieval or submission of evidence shall not be a basis
 16 for a dismissal of a criminal action or a bar to the admissibility of the evidence in a
 17 criminal action.

18 ➔Section 4. KRS 15.460 is amended to read as follows:

- 19 (1) ***(a)*** Except as provided in subsection (4)(a) of this section,~~[beginning July 15,~~
 20 ~~1998,]~~ an eligible~~[local]~~ unit of government shall be entitled to receive~~[~~
 21 ~~annually a supplement of two thousand seven hundred fifty dollars (\$2,750)~~
 22 ~~for each qualified police officer it employs, and beginning on July 1, 1999,]~~ an
 23 annual supplement of three thousand dollars (\$3,000) for each qualified police
 24 officer it employs. ***The supplement amount shall be increased to four***
 25 ***thousand dollars (\$4,000) beginning July 1, 2018.***
- 26 ***(b) 1. In addition to the supplement, the unit of government shall receive***~~[,~~
 27 ~~plus]~~ an amount equal to the required employer's contribution on the

1 supplement to the defined benefit pension plan and duty category to
 2 which the officer belongs[, but no more than the required employer's
 3 contribution to the County Employees Retirement System hazardous
 4 duty category]. In the case of County Employees Retirement System
 5 membership, the pension contribution on the supplement shall be paid
 6 whether the officer enters the system under hazardous duty coverage or
 7 nonhazardous coverage. The amounts specified in this paragraph shall
 8 include a proportionate amount for any supplemental contributions
 9 employers are required to make to any retirement system.

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

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

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

27 2. The unit of government may use the moneys received under this

1 paragraph in any manner it deems necessary to partially cover the
 2 costs of administering the payments received under paragraph (a) of
 3 this subsection.

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

11 (2) The supplement provided in subsection (1) of this section shall be paid by the unit
 12 of government to each police officer whose qualifications resulted in receipt of a
 13 supplemental payment. The payment shall be in addition to the police
 14 officer's~~[Each qualified police officer, whose local government receives a~~
 15 ~~supplement pursuant to subsection (1) of this section, shall be paid by the local~~
 16 ~~government the supplement which his or her qualifications brought to the local~~
 17 ~~government. The supplement paid each police officer shall be in addition to his or~~
 18 ~~her] regular salary and, except as provided in subsection (4)(b) of this section, shall~~
 19 ~~continue to be paid to~~ a police~~[an] officer who is a member of:~~

20 (a) The Kentucky National Guard during any period of activation under Title 10
 21 or 32 of the United States Code or KRS 38.030; or

22 (b) Any reserve component of the United States Armed Forces during any period
 23 of activation with the United States Armed Forces.

24 (3) (a) A~~[Each] qualified sheriff who receives the maximum salary allowed by~~
 25 ~~Section 246 of the Kentucky Constitution and KRS 64.527 shall not receive a~~
 26 ~~supplement.~~

27 (b) A~~[Each] qualified sheriff who does not receive the maximum salary allowed~~

1 by Section 246 of the Kentucky Constitution and KRS 64.527, excluding the
2 expense allowance provided by KRS 70.170, shall upon annual settlement
3 with the fiscal court under KRS 134.192, receive that portion of the
4 supplement that will not cause his or her compensation to exceed the
5 maximum salary.

6 (c) ~~A[Each]~~ qualified sheriff who seeks to participate in the fund shall forward a
7 copy of the annual settlement prepared under KRS 134.192 to the fund. The
8 sheriff shall reimburse the fund if an audit of the annual settlement conducted
9 pursuant to KRS 134.192 reflects that the sheriff received all or a portion of
10 the supplement in violation of this section. A sheriff who fails to provide a
11 copy of the annual settlement to the fund or to reimburse the fund after
12 correction by audit, if required, shall not be qualified to participate in the fund
13 for a period of two (2) years.

14 (d) ~~A[Each]~~ qualified deputy sheriff shall receive the supplement from the sheriff
15 if the sheriff administers his or her own budget or from the county treasurer if
16 the sheriff pools his or her fees. The failure of a sheriff to comply with the
17 provisions of this section shall not affect the qualification of his or her
18 deputies to participate in the fund.

19 (4) (a) Eligible~~[local]~~ units of government shall receive the salary supplement,
20 excluding funds applicable to the employer's pension fund contribution,
21 provided in subsection (1) of this section for distribution to a police~~[an]~~
22 officer who is eligible under subsection (2) of this section.

23 (b) A qualified police officer receiving a salary supplement during any period of
24 military activation, as provided in subsection (2) of this section, shall not be
25 entitled to receive the employer's pension system contribution, and the salary
26 supplement shall not be subjected to an employee's contribution to a pension
27 system. The salary supplement shall otherwise be taxable for all purposes.

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

4 (a) Authorize the Department of Criminal Justice Training, the Justice and
 5 Public Safety Cabinet, or the council to investigate, judge, or exercise any
 6 control or jurisdiction regarding the compliance of a unit of government
 7 with laws that may govern due process disciplinary procedures for its
 8 officers, except as otherwise provided by law;

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

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

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

18 ➔Section 5. KRS 95A.250 is amended to read as follows:

19 (1) (a) ~~[Beginning July 1, 1982,]~~An eligible local government shall be entitled to
 20 receive~~[annually a supplement of two thousand seven hundred fifty dollars~~
 21 ~~(\$2,750) for each qualified professional firefighter it employs, and beginning~~
 22 ~~on July 1, 1999,]~~ an annual supplement of three thousand dollars (\$3,000)
 23 and, beginning July 1, 2018, an annual supplement of four thousand
 24 dollars (\$4,000), for each qualified professional firefighter it employs, plus an
 25 amount equal to the required employer's contribution on the supplement to the
 26 defined benefit pension plan, or to a plan qualified under Section 401(a) or
 27 Section 457 of the Internal Revenue Code of 1954 as amended.

- 1 (b) The employer's contribution to any of these plans on the supplement shall not
2 exceed the required employer's contribution to the County Employees
3 Retirement System pursuant to KRS Chapter 78 for the hazardous duty
4 category. The pension contribution on the supplement shall be paid whether
5 the professional firefighter entered the system under hazardous duty coverage
6 or nonhazardous coverage.
- 7 (c) The local unit of government shall pay the amount received for retirement
8 coverage to the appropriate retirement system to cover the required employer
9 contribution on the supplement.
- 10 (d) Should the foundation program funds be insufficient to pay employer
11 contributions to the system, then the total amount available for pension
12 payments shall be prorated to each eligible government so that each receives
13 the same percentage of required pension costs attributable to the supplement.
- 14 **(e) 1. In addition to the payments received under paragraphs (a) and (b) of**
15 **this subsection, but only if sufficient funds are available to fully**
16 **reimburse each eligible local government for the employer**
17 **contributions to the pension system, each local government shall**
18 **receive an administrative expense reimbursement in an amount equal**
19 **to seven and sixty-five one hundredths percent (7.65%) of the total**
20 **annual supplement received greater than three thousand one hundred**
21 **dollars (\$3,100) for each qualified professional firefighter it employs,**
22 **subject to the cap established by subparagraph 3. of this paragraph.**
- 23 **2. The local government may use the moneys received under this**
24 **paragraph in any manner it deems necessary to partially cover the**
25 **costs of administering the payments received under paragraph (a) of**
26 **this subsection.**
- 27 **3. The total amount distributed under this paragraph shall not exceed**

1 *the total sum of two hundred fifty thousand dollars (\$250,000) for*
2 *each fiscal year. If there are insufficient funds to provide for full*
3 *reimbursement as provided in subparagraph 1. of this paragraph, then*
4 *the amount shall be distributed pro rata to each eligible local*
5 *government so that each receives the same percentage attributable to*
6 *its total receipt of the cash salary supplement.*

7 (2) (a) Each qualified professional firefighter, whose local government receives a
8 supplement pursuant to subsection (1)(a) of this section *due to employment of*
9 *the firefighter*, shall receive distribution of the supplement from that local
10 government in twelve (12) equal monthly installments with his or her pay for
11 the last pay period of each month. The monthly distribution shall be calculated
12 by dividing the supplement amount set forth in subsection (1)(a) of this
13 section by twelve (12).

14 (b) The supplement disbursed to a qualified professional firefighter pursuant to
15 this section shall not be considered "wages" as defined by KRS
16 337.010(1)(c)1. and shall not be included in the hourly wage rate for
17 calculation of overtime pursuant to KRS 337.285 for scheduled overtime. The
18 supplement shall be included in the hourly wage rates for calculation of
19 overtime for unscheduled overtime pursuant to KRS 337.285.

20 (c) To determine the addition to the hourly wage rate for calculation of overtime
21 on unscheduled overtime, the annual supplement shall be divided by two
22 thousand eighty (2,080). The overtime rate for unscheduled overtime shall be
23 calculated by adding the quotient, which is the amount of the annual
24 supplement divided by two thousand eighty (2,080), to the hourly wage rate
25 and multiplying the total by one and one-half (1.5). The enhanced overtime
26 rate shall be paid only for unscheduled overtime. Scheduled overtime shall be
27 paid at one and one-half (1.5) times the regular hourly wage rate, excluding

1 the supplement.

2 (3) ~~[Beginning July 1, 2006:]~~

3 (a) The Kentucky Community and Technical College System shall be entitled to
4 receive annually a supplement equal to the amount determined in subsection
5 (1) of this section for each Kentucky fire and rescue training coordinator
6 employed by the Kentucky Community and Technical College System who
7 meets the qualifications for individual firefighters required in KRS 95A.230,
8 plus an amount equal to the required employer's contribution on the
9 supplement to the defined benefit pension plan; and

10 (b) The Department of Military Affairs shall be entitled to receive annually a
11 supplement equal to the amount determined in subsection (1) of this section
12 for each civilian firefighter employed by the Department of Military Affairs
13 who meets the qualifications for individual firefighters required in KRS
14 95A.230, plus an amount equal to the required employer's contribution on the
15 supplement to the defined benefit pension plan.

16 Each fire and rescue training coordinator employed by the Kentucky Community
17 and Technical College System and each civilian firefighter employed by the
18 Department of Military Affairs, whose employer receives a supplement pursuant to
19 this subsection, shall receive distribution from that employer of the supplement
20 which his or her qualifications brought to the employer. The supplement distributed
21 shall be in addition to his or her regular salary.

22 ➔Section 6. KRS 95A.262 is amended to read as follows:

23 (1) The Commission on Fire Protection Personnel Standards and Education shall, in
24 cooperation with the Cabinet for Health and Family Services, develop and
25 implement a continuing program to inoculate every paid and volunteer firefighter in
26 Kentucky against hepatitis B. The program shall be funded from revenues allocated
27 to the Firefighters Foundation Program fund pursuant to KRS 136.392 and 42.190.

1 Any fire department which has inoculated its personnel during the period of July 1,
2 1991 to July 14, 1992, shall be reimbursed from these revenues for its costs incurred
3 up to the amount allowed by the Cabinet for Health and Family Services~~Human~~
4 ~~Resources~~ for hepatitis B inoculations.

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

12 (b) The commission shall allot ~~eight thousand dollars (\$8,000) annually to each~~
13 ~~qualifying department, and beginning on July 1, 2001, the commission shall~~
14 ~~allot~~ eight thousand two hundred fifty dollars (\$8,250), and beginning on
15 July 1, 2018, the commission shall allot eleven thousand dollars (\$11,000)
16 annually to each qualifying department.

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

20 (d) If two (2) or more qualified volunteer fire departments, as defined in KRS
21 95A.500 to 95A.560, merge after January 1, 2000, then the allotment shall be
22 in accordance with the provisions of KRS 95A.500 to 95A.560.

23 (e) Administrative regulations for determining qualifications shall be based on the
24 number of both paid firefighters and volunteer firemen within a volunteer fire
25 department, the amount of equipment, housing facilities available, and
26 any~~such~~ other matters or standards that~~as~~ will best effect the purposes of
27 the volunteer fire department aid law. A qualifying department shall:

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

13 These personnel, equipment, and training requirements shall not be made

14 more stringent by the promulgation of administrative regulations.

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

16 buildings made available to the local fire units from any source whatever for

17 the year in which the allotment is made.

18 (g) A portion of the funds provided for above may be used to purchase group or

19 blanket health insurance and shall be used to purchase workers' compensation

20 insurance, and the remaining funds shall be distributed as set forth in this

21 section.

22 (3) There shall be allotted two hundred thousand dollars (\$200,000) of the insurance

23 premium surcharge proceeds accruing to the Firefighters Foundation Program fund

24 that shall be allocated each fiscal year of the biennium to the firefighters training

25 center fund, which is hereby created and established, for the purposes of

26 constructing new or upgrading existing training centers for firefighters. If any

27 moneys in the training center fund remain uncommitted, unobligated, or

1 unexpended at the close of the first fiscal year of the biennium, then such moneys
2 shall be carried forward to the second fiscal year of the biennium, and shall be
3 reallocated to and for the use of the training center fund, in addition to the second
4 fiscal year's allocation of two hundred thousand dollars (\$200,000). Prior to funding
5 any project pursuant to this subsection, a proposed project shall be approved by the
6 Commission on Fire Protection Personnel Standards and Education as provided in
7 subsection (4) of this section and shall comply with state laws applicable to capital
8 construction projects.

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

15 (5) Any department or entity eligible for and receiving funding pursuant to this section
16 shall have a minimum of fifty percent (50%) of its personnel certified as recognized
17 by the Commission on Fire Protection Personnel Standards and Education.

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

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

27 (8) The commission shall withhold from the general distribution of funds under

1 subsection (2) of this section an amount which it deems sufficient to reimburse
2 volunteer fire departments for equipment lost or damaged beyond repair due to
3 hazardous material incidents.

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

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

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

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

16 (d) The commission has determined that the volunteer fire department does not
17 have the fiscal resources to replace the equipment;

18 (e) The commission has determined that the equipment sought to be replaced is
19 immediately necessary to protect the lives of the volunteer firefighters of the
20 fire department;

21 (f) The fire department has agreed in writing to subrogate all claims for and rights
22 to reimbursement for the lost or damaged equipment to the Commonwealth to
23 the extent that the Commonwealth provides reimbursement to the department;
24 and

25 (g) The department has shown to the satisfaction of the commission that it has
26 made reasonable attempts to secure reimbursement for its losses from the
27 person responsible for the hazardous materials incident and has been

1 unsuccessful in the effort.

2 (10) If a volunteer fire department has met all of the requirements of subsection (9) of
3 this section, the commission may authorize a reimbursement of equipment losses
4 not exceeding ten thousand dollars (\$10,000) or the actual amount of the loss,
5 whichever is less.

6 (11) Moneys which have been withheld during any fiscal year which remain unexpended
7 at the end of the fiscal year shall be distributed in the normal manner required by
8 subsection (2) of this section during the following fiscal year.

9 (12) No volunteer fire department may receive funding for equipment losses more than
10 once during any fiscal year.

11 (13) The commission shall make reasonable efforts to secure reimbursement from the
12 responsible party for any moneys awarded to a fire department pursuant to this
13 section.

14 (14) There shall be allotted each year of the 1992-93 biennium one million dollars
15 (\$1,000,000), and each year of the 1994-95, 1996-97, 1998-99, and 2000-01
16 bienniums one million dollars (\$1,000,000) of the insurance premium surcharge
17 proceeds accruing to the Firefighters Foundation Program fund for the purpose of
18 creating a revolving low-interest loan fund, which shall thereafter be self-sufficient
19 and derive its operating revenues from principal and interest payments. The
20 commission, in accordance with the procedures in subsection (4) of this section,
21 may make low-interest loans, and the interest thereon shall not exceed three percent
22 (3%) annually or the amount needed to sustain operating expenses of the loan fund,
23 whichever is less, to volunteer fire departments for the purposes of major equipment
24 purchases and facility construction. Loans shall be made to departments which
25 achieve the training standards necessary to qualify for volunteer fire department aid
26 allotted pursuant to subsection (2) of this section, and which do not have other
27 sources of funds at rates which are favorable given their financial resources. The

1 proceeds of loan payments shall be returned to the loan fund for the purpose of
2 providing future loans. If a department does not make scheduled loan payments, the
3 commission may withhold any grants payable to the department pursuant to
4 subsection (2) of this section until the department is current on its payments. Money
5 in the low-interest loan fund shall be used only for the purposes specified in this
6 subsection. Any funds remaining in the fund at the end of a fiscal year shall be
7 carried forward to the next fiscal year for the purposes of the fund.

8 (15) For fiscal year 2004-2005 and each fiscal year thereafter, there is allotted one
9 million dollars (\$1,000,000) from the fund established in KRS 95A.220 to be used
10 by the commission to conduct training-related activities.

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

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

19 (b) A program to provide and maintain a mobile test facility in each training
20 region established by the Commission on Fire Protection Personnel Standards
21 and Education with equipment to administer Comprehensive Physical
22 Aptitude Tests (CPAT) to ascertain a firefighter's ability to perform the
23 physical requirements necessary to be an effective and safe firefighter;

24 (c) A program to provide defensive driving training tactics to firefighters. The
25 commission shall purchase, instruct in the use of, and maintain mobile
26 equipment in each of the training regions, and fund expenses related to
27 equipment replacement;

- 1 (d) A program to annually evaluate equipment adequacy and to provide for annual
2 physical examinations for instructors, adequate protective clothing and
3 personal equipment to meet NFPA guidelines, and to establish procedures for
4 replacing this equipment as needed;
- 5 (e) A program to establish a rotational expansion and replacement program for
6 mobile fleet equipment currently used for training and recertification of fire
7 departments;
- 8 (f) A program to expand and update current EMS, first responder, EMT, and
9 paramedic training and certification instruction; and
- 10 (g) A program to purchase thermal vision devices to comply with the provisions
11 of KRS 95A.400 to 95A.440.