

**CHAPTER 270 (HB 631)**

AN ACT relating to the Commission on Fire Protection Personnel Standards and Education.

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

Section 1. KRS 95A.020 is amended to read as follows:

- (1) There is hereby created the Commission on Fire Protection Personnel Standards and Education, hereinafter called "commission," which shall be attached to the ***Kentucky Community and Technical College System***~~[state fire marshal's office in the Department of Housing, Buildings and Construction]~~.
- (2) The commission shall be composed of seventeen (17) members, residents of the State of Kentucky, appointed by the Governor. These members should be persons well qualified by experience or education in the field of fire protection or related fields.
- (3) The membership of the commission shall include:
  - (a) Two (2) volunteer firefighters, neither of which is a fire chief or assistant fire chief;
  - (b) Three (3) paid firefighters, at least one (1) of whom shall be a full-time paid county firefighter and none of whom shall be a fire chief or assistant fire chief;
  - (c) One (1) trustee of a volunteer fire department or fire district who is not a volunteer firefighter;
  - (d) Two (2) fire chiefs of paid fire departments;
  - (e) One (1) licensed physician;
  - (f) Two (2) fire chiefs of volunteer fire departments;
  - (g) One (1) ***representative of the Kentucky Industrial Response Committee***~~[teacher or administrator representing the fire and rescue training service of the Kentucky Community and Technical College System]~~;
  - (h) One (1) representative of the Division of Disaster and Emergency Services of the Department of Military Affairs;
  - (i) One (1) mayor of a Kentucky city;
  - (j) One (1) county judge/executive;
  - (k) One (1) representative of Kentucky industry or business enterprise; and (l) One (1) representative of the general public.

The chancellor for the Technical Institutions' Branch of the Kentucky Community and Technical College System and the state fire marshal, or their designees, shall serve as ex officio members of the commission. Their designees shall have full voting rights. Appointive members shall be appointed for a term of four (4) years. Any member chosen by the Governor to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he is chosen to succeed.

- (4) Members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their functions.

- (5) Members of the commission appointed pursuant to this section shall first be appointed on July 15, 1980. The terms of members appointed earlier shall terminate on July 15, 1980, but the Governor may reappoint those members who qualify under the provisions of this section.

Section 2. KRS 95A.040 is amended to read as follows:

- (1) The commission shall ~~have authority to~~ make full and complete studies, recommendations and reports to the Governor, *the Kentucky Community and Technical College System*, and the Legislature for the purpose of *establishing*:
- (a) ~~Suggesting~~ Minimum standards and education of fire protection personnel appointed to positions in municipal fire departments, who are to be engaged in fire protection to include fire suppression, fire prevention, arson investigation and other allied fields;
  - (b) ~~Suggesting~~ Basic minimum courses of training for fire protection personnel;
  - (c) ~~Suggesting~~ Procedure for the certification of fire protection personnel and the certification of fire protection instructors.
- (2) The commission shall have the authority to:
- (a) Certify fire protection training and education programs as having attained the minimum required standards suggested by such commission;
  - (b) Certify instructors as having qualified as fire protection instructors under such conditions as the commission may prescribe;
  - (c) Direct research in the field of fire protection and accept gifts and grants for such purposes;
  - (d) Recommend curricula for advanced courses and seminars in fire science training in colleges and institutions of higher education.
- (3) The commission shall have authority to receive and to the extent required by federal law to disburse all grants and funds from the federal government for the purpose of fire protection personnel training and education. Except as otherwise provided by law, the *commission* ~~Department of Insurance~~ shall administer all state programs and all state and federally funded grant programs related to fire protection personnel training and education.

Section 3. KRS 95A.050 is amended to read as follows:

In carrying out its duties and responsibilities, the commission shall have the following additional duties:

- (1) To meet at times and places in the State of Kentucky it deems proper. Meetings shall be called by the chairman upon his own motion, or upon the written request of a majority of the members;
- (2) To contract with other agencies, public or private, or persons, it deems necessary for the rendition and affording of the services, facilities, studies, and reports it may require to cooperate with city, county, state, and federal agencies in training programs; and
- (3) To *promulgate* ~~recommend to the commissioner of housing, buildings and construction for promulgation~~ reasonable *administrative* regulations relating to fire protection personnel.

Section 4. KRS 95A.240 is amended to read as follows:

- (1) The commission shall administer the fund pursuant to the provisions of KRS 95A.200 to 95A.300 and may issue such reasonable rules and regulations as, in its discretion, will facilitate the administration of the fund and further the purposes of KRS 95A.200 to 95A.300.
- (2) The commission shall determine which local governments are eligible to share in the fund and may withhold or terminate payments to any local government that does not comply with the requirements of KRS 95A.200 to 95A.300 or the rules and regulations issued by the commission thereunder.
- (3) The commission shall, from the moneys appropriated to and accruing to the fund from any source, reimburse the ***Kentucky Community and Technical College System***~~[Department of Housing, Buildings and Construction]~~ for salaries and other costs of administering the fund, including, but not limited to the costs of commission operations. The amount of reimbursement for any given year shall be determined by the commission and shall not exceed five percent (5%) of the total appropriation to the fund for that year.

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

- (1) The Commission on Fire Protection Personnel Standards and Education shall, in cooperation with the Cabinet for Health Services, develop and implement a continuing program to inoculate every paid and volunteer firefighter in Kentucky against hepatitis B. The program shall be funded from revenues allocated to the Firefighters Foundation Program fund pursuant to KRS 136.392 and 42.190. Any fire department which has inoculated its personnel during the period of July 1, 1991 to July 14, 1992, shall be reimbursed from these revenues for its costs incurred up to the amount allowed by the Cabinet for Human Resources for hepatitis B inoculations.
- (2) Except as provided in subsection (3) of this section and KRS 61.316, the Commission on Fire Protection Personnel Standards and Education shall allot on an annual basis a share of the funds accruing to and appropriated for volunteer fire department aid to volunteer fire departments in cities of all classes, fire protection districts organized pursuant to KRS Chapter 75, county districts established under authority of KRS 67.083, and volunteer fire departments created as nonprofit corporations pursuant to KRS Chapter 273. The commission shall allot six thousand five hundred dollars (\$6,500) annually to each qualifying department, and beginning on July 1 of 1999, the commission shall allot seven thousand five hundred dollars (\$7,500) annually to each qualifying department. Any qualifying department which fails to participate satisfactorily in the Kentucky fire incident reporting system as described in KRS 304.13-380 shall forfeit annually five hundred dollars (\$500) of its allotment. The commission shall recommend to the commissioner of the Department of Housing, Buildings and Construction the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A to define satisfactory participation in the Kentucky fire incident reporting system. Administrative regulations for determining qualifications shall be based on the number of both paid firefighters and volunteer firemen within a volunteer fire department, the amount of equipment, housing facilities available, and such other matters or standards as will best effect the purposes of the volunteer fire department aid law. A qualifying department shall include at least twelve (12) firefighters, a chief, and at least one (1) operational fire apparatus or one (1) on order. Fifty percent (50%) of the firefighters shall have completed at least one half (1/2) of one hundred fifty (150) training hours toward certification within the first six (6) months of the first year of the department's application for certification, and there shall be a plan to complete the one hundred fifty (150) training hours

within the second year. These personnel, equipment, and training requirements shall not be made more stringent by the promulgation of administrative regulations. No allotment shall exceed the total value of the funds, equipment, lands, and buildings made available to the local fire units from any source whatever for the year in which the allotment is made. A portion of the funds provided for above may be used to purchase group or blanket health insurance and shall be used to purchase workers' compensation insurance, and the remaining funds shall be distributed as set forth in this section.

- (3) There shall be allotted two hundred thousand dollars (\$200,000) of the insurance premium surcharge proceeds accruing to the Firefighters Foundation Program fund that shall be allocated each fiscal year of the biennium to the firefighters training center fund, which is hereby created and established, for the purposes of constructing new or upgrading existing training centers for firefighters. If any moneys in the training center fund remain uncommitted, unobligated, or unexpended at the close of the first fiscal year of the biennium, then such moneys shall be carried forward to the second fiscal year of the biennium, and shall be reallocated to and for the use of the training center fund, in addition to the second fiscal year's allocation of two hundred thousand dollars (\$200,000). Prior to funding any project pursuant to this subsection, a proposed project shall be approved by the Commission on Fire Protection Personnel Standards and Education as provided in subsection (4) of this section and shall comply with state laws applicable to capital construction projects.
- (4) Applications for funding low-interest loans and firefighters' training centers shall be submitted to the Commission on Fire Protection Personnel Standards and Education for their recommendation, approval, disapproval, or modification. The commission shall review applications periodically, and shall, subject to funds available, recommend which applications shall be funded and at what levels, together with any terms and conditions the commission deems necessary.
- (5) Any department or entity eligible for and receiving funding pursuant to this section shall have a minimum of fifty percent (50%) of its personnel certified as recognized by the Commission on Fire Protection Personnel Standards and Education.
- (6) Upon the written request of any department, the Commission on Fire Protection Personnel Standards and Education shall make available a certified training program in a county of which such department is located.
- (7) The amount of reimbursement for any given year for costs incurred by the ***Kentucky Community and Technical College System***~~[department]~~ for administering these funds, including, but not limited to the expenses and costs of commission operations, shall be determined by the commission and shall not exceed five percent (5%) of the total amount of moneys accruing to the Firefighters Foundation Program fund which are allotted for the purposes specified in this section during any fiscal year.
- (8) The commission shall withhold from the general distribution of funds under subsection (2) of this section an amount which it deems sufficient to reimburse volunteer fire departments for equipment lost or damaged beyond repair due to hazardous material incidents.
- (9) Moneys withheld pursuant to subsection (8) of this section shall be distributed only under the following terms and conditions:
  - (a) A volunteer fire department has lost or damaged beyond repair items of personal protective clothing or equipment due to that equipment having been lost or damaged as

a result of an incident in which a hazardous material (as defined in any state or federal statute or regulation) was the causative agent of the loss;

- (b) The volunteer fire department has made application in writing to the commission for reimbursement in a manner approved by the commission and the loss and the circumstances thereof have been verified by the commission;
  - (c) The loss of or damage to the equipment has not been reimbursed by the person responsible for the hazardous materials incident or by any other person;
  - (d) The commission has determined that the volunteer fire department does not have the fiscal resources to replace the equipment;
  - (e) The commission has determined that the equipment sought to be replaced is immediately necessary to protect the lives of the volunteer firefighters of the fire department;
  - (f) The fire department has agreed in writing to subrogate all claims for and rights to reimbursement for the lost or damaged equipment to the Commonwealth to the extent that the Commonwealth provides reimbursement to the department; and
  - (g) The department has shown to the satisfaction of the commission that it has made reasonable attempts to secure reimbursement for its losses from the person responsible for the hazardous materials incident and has been unsuccessful in the effort.
- (10) If a volunteer fire department has met all of the requirements of subsection (9) of this section, the commission may authorize a reimbursement of equipment losses not exceeding ten thousand dollars (\$10,000) or the actual amount of the loss, whichever is less.
- (11) Moneys which have been withheld during any fiscal year which remain unexpended at the end of the fiscal year shall be distributed in the normal manner required by subsection (2) of this section during the following fiscal year.
- (12) No volunteer fire department may receive funding for equipment losses more than once during any fiscal year.
- (13) The commission shall make reasonable efforts to secure reimbursement from the responsible party for any moneys awarded to a fire department pursuant to this section.
- (14) There shall be allotted each year of the 1992-93 biennium one million dollars (\$1,000,000), and each year of the 1994-95, 1996-97, 1998-99, and 2000-01 bienniums one million dollars (\$1,000,000) of the insurance premium surcharge proceeds accruing to the Firefighters Foundation Program fund for the purpose of creating a revolving low-interest loan fund, which shall thereafter be self-sufficient and derive its operating revenues from principal and interest payments. The commission, in accordance with the procedures in subsection (4) of this section, may make low-interest loans, and the interest thereon shall not exceed three percent (3%) annually or the amount needed to sustain operating expenses of the loan fund, whichever is less, to volunteer fire departments for the purposes of major equipment purchases and facility construction. Loans shall be made to departments which achieve the training standards necessary to qualify for volunteer fire department aid allotted pursuant to subsection (2) of this section, and which do not have other sources of funds at rates which are favorable given their financial resources. The proceeds of loan payments shall be returned to the loan fund for the purpose of providing future loans. If a department does not make scheduled loan payments, the commission may withhold any grants payable to the department

pursuant to subsection (2) of this section until the department is current on its payments. Money in the low-interest loan fund shall be used only for the purposes specified in this subsection. Any funds remaining in the fund at the end of a fiscal year shall be carried forward to the next fiscal year for the purposes of the fund.

Section 6. KRS 95A.270 is amended to read as follows:

The Finance and Administration Cabinet, on the certification of the commission, shall draw warrants as specified on the State Treasurer for the amount of the fund due each eligible local government or the *Kentucky Community and Technical College System* ~~[Department of Housing, Buildings and Construction]~~. Checks shall be issued by the State Treasurer and transmitted to the commission for distribution to the proper officials of participating local governments which have complied with the provisions of KRS 95A.200 to 95A.300. Beginning January 1, 1981, and on the first day of each month thereafter, the share of each eligible local unit shall be distributed from the fund.

Section 7. KRS 95A.290 is amended to read as follows:

- (1) If funds appropriated by the General Assembly and otherwise made available to the fund are insufficient to provide the amount of money required by KRS 95A.250, the commission shall make a uniform percentage reduction in the allotment of funds available.
- (2) The provisions of subsection (1) of this section shall not apply to amounts due the *Kentucky Community and Technical College System* ~~[Department of Housing, Buildings and Construction]~~ pursuant to KRS 95A.240.
- (3) Funds appropriated by the General Assembly and unexpended by the commission at the close of the fiscal year for which the funds were appropriated and otherwise made available to this fund pursuant to KRS 42.190, 95A.220 and 136.392 shall not lapse as provided by KRS 45.229, but shall be carried forward into the following fiscal year, and shall be used solely for the purposes specified in KRS 95A.200 to 95A.300.

SECTION 8. A NEW SECTION OF KRS CHAPTER 95A IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Community and Technical College System shall conduct or contract for the delivery of all certificate, diploma, or associate degree programs approved by the commission.*
- (2) *The Kentucky Community and Technical College System shall provide the fiscal and administrative support requested by the commission, through the Chancellor's Office of Technical Education and Workforce Development.*
- (3) *The commission shall ratify all personnel decisions necessary to perform the functions required by the commission, subject to budget appropriation limits, except that no position including the term "State Fire Marshal" in its title shall remain with or be transferred to the commission or the Kentucky Community and Technical College System, but shall be assigned to the Office of the State Fire Marshal in the Department of Housing, Buildings and Construction.*
- (4) *The commission shall establish the proposed budget for all administrative, fire rescue training functions, and other activities in which the commission is authorized to engage, including, but not limited to salaries, equipment, maintenance, utilities, insurance, and*

*other matters. The commission shall submit the budget to the Kentucky Community and Technical College System, which shall submit the budget, through appropriate channels, for inclusion in the executive branch budget. The Kentucky Community and Technical College System shall not change the proposed budget which is submitted to it, but may comment thereon in writing, with copies sent to the commission, and to all agencies who receive the proposed budget during the budget process.*

Section 9. KRS 75.400 is amended to read as follows:

As used in KRS 75.400 to 75.460, unless the context requires otherwise:

- (1) "Commission" means the Commission on Fire Protection Personnel Standards and Education, attached to the *Kentucky Community and Technical College System*~~[state fire marshal's office in the Department of Housing, Buildings and Construction]~~.
- (2) "Fire department" includes all of the officers, firefighters, and clerical and maintenance employees, whether paid or volunteer.
- (3) "Full-time paid firefighter" means an individual who receives a minimum salary of eight thousand dollars (\$8,000) annually, and who works a minimum of two thousand and eighty (2,080) hours per year as an employee of a fire department recognized by the fire commission.
- (4) "Paid fire department" means a fire department recognized by the commission, of which at least fifty percent (50%) of its firefighters are full-time paid firefighters.
- (5) "Volunteer fire department" means a fire department with a minimum of twelve (12) members and a chief, at least one (1) operational fire apparatus or one (1) on order, with fewer than fifty percent (50%) of its firefighters being full-time paid firefighters.

Section 10. The following KRS section is repealed:

198B.035 Transfer of other agency functions to department.

Section 11. The existing personnel, equipment, funds, personal property, and records of the Commission on Fire Protection Personnel Standards and Education are transferred to the Kentucky Community and Technical College System. Employees who transfer shall be governed by the same rules pertaining to the transferred employees from the KRS Chapter 18A personnel system under KRS 164.5805. New employees shall be governed by the rules established by the board of regents of the Kentucky Community and Technical College System.

**Approved March 31, 2000**