

CHAPTER 77

(HB 389)

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.080 is amended to read as follows:

- (1) The Commission on Fire Protection Personnel Standards and Education shall implement a voluntary statewide certified volunteer firefighter identification program. The program shall issue a color photo nondriver's identification card to all certified volunteer firefighters. The purpose of this identification card shall be solely as proof of a volunteer firefighter's claim to be a certified volunteer firefighter.
- (2) (a) Application for a certified volunteer firefighter identification card or renewal of the identification card shall be on forms provided by the commission and accompanied by a statement from the commission that the applicant is a certified volunteer firefighter. ***The applicant shall provide proof that he or she is a citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States. The commission shall promulgate administrative regulations to establish the standards of proof for citizenship or legal status of an applicant.***
 - (b) The card shall contain the certified volunteer firefighter's name, birth date, and address. The card shall not contain the certified volunteer firefighter's Social Security number.
 - (c) At the time of making the application for the identification card, the certified volunteer firefighter shall pay to the clerk a fee of ~~five~~~~nine~~ dollars (\$5)~~(\$9)~~. The clerk shall ~~forward~~~~distribute~~ the ***five dollars*** (\$5)~~fee as follows~~:
 1. ~~Three dollars (\$3) shall be forwarded~~ to the Commission on Fire Protection Personnel Standards and Education to cover the commission's costs with regard to the issuance of the identification card;
 2. ~~Four dollars (\$4) shall be forwarded to the Transportation Cabinet to cover the cabinet's costs with regard to the issuance of the identification card; and~~
 3. ~~Two dollars (\$2) shall be forwarded to the Administrative Office of the Courts to be deposited in a trust and agency account for the circuit clerks and used for purposes of hiring additional deputy clerks and providing salary adjustments for deputy clerks.~~
 - (d) The card shall expire every year on the certified volunteer firefighter's birthday.
- (3) The descriptive data and a photo image of the certified volunteer firefighter shall be stored ***by the commission***~~in the Kentucky Driver's License Information System~~ and may be retrieved and used by public agencies subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. sec. 2721, may be used by the Kentucky Missing Persons Clearinghouse, and may also be obtained and used by news-gathering organizations.
- (4) The commission shall establish policies, procedures, and forms for both the application and the identification card by the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A.
- (5) The chief of the fire department shall be responsible for collecting identification cards from any volunteer member of the fire department or fire district who:
 - (a) Loses his or her certification as a firefighter;
 - (b) Is suspended from the fire department;
 - (c) Is no longer a member of the fire department; or
 - (d) Becomes an inactive member of the fire department.
- (6) The provisions of KRS 186.412 or any other statute relating to motor vehicle operator's licenses and nondriver identification cards to the contrary notwithstanding, the ***Commission on Fire Protection Personnel Standards and Education***~~Transportation Cabinet~~ may include the information required by this section on a nondriver identification card issued pursuant to KRS 186.412, subject to the following provisions:

- (a) The nondriver identification card issued to a volunteer firefighter pursuant to this section shall constitute the certified volunteer firefighter identification card;
- (b) The nondriver identification card issued to a volunteer firefighter shall be renewed annually as provided in this section;
- (c) A certified volunteer firefighter may hold a nondriver identification card certifying the holder as a certified volunteer firefighter and may hold a motor vehicle or motorcycle operator's license, or both, at the same time; and
- (d) A certified volunteer firefighter may hold a nondriver identification card certifying the holder as a certified volunteer firefighter and may hold a commercial driver's license at the same time.

~~{(7) The commission, the Administrative Office of the Courts, and the Transportation Cabinet shall cooperate to ensure the efficient functioning of the certified volunteer firefighter identification card program.}~~

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

- (1) The commission shall 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) 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) Basic minimum courses of training for fire protection personnel;
 - (c) Procedure for the certification of fire protection personnel and the certification of fire protection instructors; *and*
 - (d) *Administrative regulations to require that each volunteer firefighter be able to read, write and understand the English language, is a person of sobriety and integrity, is and has been an orderly, law-abiding citizen, is a citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States, and has reached the age of eighteen (18).*
- (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; and
 - (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 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.060 is amended 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 Office 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 4. 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 and Family 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, 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 eight thousand dollars (\$8,000) annually to each qualifying department, and beginning on July 1, 2001, the commission shall allot eight thousand two hundred fifty dollars (\$8,250) 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. If two (2) or more qualified volunteer fire departments, as defined in KRS 95A.500 to 95A.560, merge after January 1, 2000, then the allotment shall be in accordance with the provisions of KRS 95A.500 to 95A.560. ~~The commission shall recommend to the executive director of the Office 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 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.
- (15) For fiscal year 2004-2005 and each fiscal year thereafter, there is allotted one million dollars (\$1,000,000) from the fund established in KRS 95A.220 to be used by the commission to conduct training-related activities.
- (16) If funding is available from the fund established in KRS 95A.220, the Commission on Fire Protection Personnel Standards and Education may implement the following:
 - (a) A program to prepare emergency service personnel for handling potential man-made and non-man-made threats. The commission shall work in conjunction with the fire marshal's office and other appropriate agencies and associations to identify and make maps of gas transmission and hazardous liquids pipelines in the state;
 - (b) A program to provide and maintain a mobile test facility in each training region established by the Commission on Fire Protection Personnel Standards and Education with equipment to administer Comprehensive Physical Aptitude Tests (CPAT) to ascertain a firefighter's ability to perform the physical requirements necessary to be an effective and safe firefighter;
 - (c) A program to provide defensive driving training tactics to firefighters. The commission shall purchase, instruct in the use of, and maintain mobile equipment in each of the training regions, and fund expenses related to equipment replacement;
 - (d) A program to annually evaluate equipment adequacy and to provide for annual physical examinations for instructors, adequate protective clothing and personal equipment to meet NFPA guidelines, and to establish procedures for replacing this equipment as needed;
 - (e) A program to establish a rotational expansion and replacement program for mobile fleet equipment currently used for training and recertification of fire departments;
 - (f) A program to expand and update current EMS, first responder, EMT, and paramedic training and certification instruction; and
 - (g) A program to purchase thermal vision devices to comply with the provisions of KRS 95A.400 to 95A.440.

Signed by Governor April 11, 2008.