

**CHAPTER 125****(HB 170)**

AN ACT relating to the Commission on Fire Protection Personnel Standards and Education and making an appropriation therefor.

*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.
- (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;
  - (h) One (1) representative of the Division of Emergency Management 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) ***The commission shall:***
  - (a) ***Meet at least six (6) times per year; and***
  - (b) ***Annually elect chairman, vice chairman, and secretary in accordance with section 2 of this Act; and***
  - (c) ***Set a schedule of at least six (6) meetings for the next twelve (12) months.***
- (5) ***A member of the commission who misses three (3) regular meetings, without the approval of the chairman, in one (1) year shall be deemed to have resigned from the commission and his or her position shall be deemed to be vacant. As used in this subsection, a "year" begins when the first meeting is missed and ends three hundred sixty-five (365) days later or when the third meeting is missed, whichever occurs first. The Governor shall appoint a similarly qualified person to fill the vacancy within ninety (90) days of the vacancy occurring. The failure of a commission member to attend a special or emergency meeting shall not result in any penalty. A person removed under this subsection shall not be reappointed to the commission for at least ten (10) years after removal.***

(6) 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.

(7)~~(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.030 is amended to read as follows:

At ~~the~~<sup>its</sup> first meeting *of the commission after January 1 of each year*~~[succeeding new appointments]~~, the commission shall elect a chairman, vice chairman, and secretary from among the appointed members to fill regular terms. A majority of the members shall constitute a quorum.

➔Section 3. 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. *The commission may provide financial support for certification, and this support may include the cost of training, training aids, and salaries of 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) (a) The commission shall establish by administrative regulation a candidate physical agility test to be administered to all candidates for professional firefighter positions. For the provisions of this section, "professional firefighter" shall include any paid firefighter who is a member of a:

- 1. Municipal fire department organized under KRS Chapter 95;
- 2. Fire protection district organized under KRS Chapter 75;
- 3. County fire department created pursuant to KRS Chapter 67;
- 4. Fire department under the jurisdiction of a consolidated local government;
- 5. Fire department under the jurisdiction of a charter county government;
- 6. Fire department under the jurisdiction of an urban-county government;
- 7. Fire department under the jurisdiction of a unified local government; or
- 8. Fire department created under KRS Chapter 273.

(b) The candidate physical agility test shall establish uniform standards of the physical abilities required for all firefighter candidates. The candidate physical agility test shall be required for all firefighter candidates hired on or after January 1, 2013.

(c) After June 25, 2009, the commission shall establish procedures for individual firefighter candidates to voluntarily take the candidate physical agility test. The commission shall also establish procedures for fire departments listed under paragraph (a) of this subsection to voluntarily require firefighter candidates hired by them to have successfully completed the candidate physical agility test. The procedures in this paragraph shall be established by administrative regulation.

(d) The candidate physical agility test shall be designed to assess a candidate's ability to handle the physical demands of fighting fires and shall include exercises that simulate the most common tasks involved in fire suppression. These exercises shall include but are not limited to stair climb, hose drag, equipment carry, ladder raise and extension, forcible entry, search, rescue, ceiling breach, and pull.

- (e) The commission may establish a fee to be charged to candidates participating in the candidate physical agility test. The fee shall be no greater than an amount specified by the commission to cover the costs of implementing and administering the candidate physical agility test.
  - (f) The commission shall promulgate administrative regulations, pursuant to KRS Chapter 13A, to establish and implement the candidate physical agility test and to carry out any other responsibility assigned by this section. The administrative regulations shall be promulgated no later than October 1, 2009.
- (3) The commission shall have the authority to:
- (a) Certify fire protection training and education programs as having attained the minimum required standards suggested by ~~the~~<sup>such</sup> commission, ***and provide financial support for the provision of training, training aids, and salaries of instructors in order to achieve these minimum standards;***
  - (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.
- (4) 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.

**Signed by Governor April 12, 2010**