

CHAPTER 90

(SB 103)

AN ACT relating to TVA and Breaks Interstate Park peace officers.

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

➔Section 1. KRS 61.886 is amended to read as follows:

(1) *As used in KRS 61.886 to 61.892:*

(a) *"Commission" means the Breaks Interstate Park Commission created in KRS 148.220; and*

(b) *"TVA" means the Tennessee Valley Authority.*

(2) The Tennessee Valley Authority *or the Breaks Interstate Park Commission*, ~~hereinafter called "TVA,"~~ may apply to the Governor for the appointment and commissioning of peace officers ~~and TVA policemen~~. Such persons shall be selected from a list submitted by TVA *or the commission* to the Governor. The Governor, upon such application being made and upon the payment to him *or her* of a one (1) time fee of five dollars (\$5) for each officer to be appointed, shall appoint, for annually renewable terms of one (1) year, such persons or as many thereof as he *or she* deems proper to be such peace officers ~~and policemen~~ and shall give commissions to those appointed. Appointments and annual renewals of appointments under this subsection shall be subject to approval by the sheriff of each county in which the peace officer will normally operate, not including counties into which he *or she* may pursue and arrest persons under KRS 61.887.

~~(3)~~(2) Such commissions shall be recorded in the office of *Secretary of State* ~~the county court clerk of the several counties in which such officer performs any duties as a TVA peace officer~~. No person shall be eligible for appointment and commission as a TVA *or commission* peace officer unless he *or she* has established to the satisfaction of the Governor that, except for county residency requirements, he *or she* possesses the qualifications prescribed for nonelective peace officers by KRS 61.300 and, in addition, that he *or she is* ~~has been~~ a resident of Kentucky, or an adjoining state in which TVA *or the commission* operates, *and has been* for at least two (2) years at the time of his *or her* appointment.

➔Section 2. KRS 61.887 is amended to read as follows:

(1) Each TVA *or commission* officer appointed and commissioned pursuant to KRS 61.886 to 61.892 throughout every county in the Commonwealth in which TVA *or the commission* operates or owns or controls property, including leasehold interests: ~~;~~

(a) Shall have and exercise the powers of sheriffs ~~and constables~~ in making arrests for public offenses committed upon, about, or against such property or on public roads and the rights-of-way passing through or over such property;

(b) *Shall have and exercise the powers of sheriffs in making arrests in any situation in which a person is placed in imminent danger of death or serious injury;*

(c) *Shall have authority to carry weapons for the reasonable purposes of his or her office and in performance of his or her assigned duties;* ~~and~~

(d) While in pursuit of a person fleeing ~~from the property~~ after committing an act *described in paragraph (a) or (b) of this subsection* ~~of violence or destruction of the property~~, may pursue the person and make arrest anywhere in the Commonwealth; ~~may serve process in criminal and penal prosecutions for such offenses;~~ and

(e) Shall be subject to all the liabilities of sheriffs ~~or constables~~. ~~Such power to arrest persons committing public offenses committed upon or about such property, roads, or rights of way shall exist whether such persons are found on or off such property, roads, or rights of way. Such TVA officers shall also have authority to carry weapons for the reasonable purposes of their offices and in performance of their assigned duties.~~

(2) *TVA officers appointed and commissioned pursuant to KRS 61.886 to 61.892 may, throughout any county in the Commonwealth in which TVA operates or owns or controls property, including leasehold interests, have and exercise the powers of sheriff in that county if the sheriff of that county provides prior written authorization to the TVA defining the extent of supplemental authority being granted. Any supplemental authority granted pursuant to this subsection shall expire with the officer's commission granted under*

Section 1 of this Act and may be renewed, as provided in this subsection, upon renewal of the commission authorized under Section 1 of this Act.

- (3) *When county-wide authority has not been granted under subsection (2) of this section, a sheriff of a county in which the TVA has property, the chief of police of a city within the county, or the commissioner of the Department of Kentucky State Police may extend peace officer authority within the city or county, as appropriate, during a disaster or other emergency.*

➔Section 3. KRS 61.888 is amended to read as follows:

When TVA *or the commission* no longer needs the services of a person appointed and commissioned as a TVA *or commission* peace officer pursuant to this section, notice to that effect, signed by the general manager of TVA, *the chairperson of the commission*, or ~~by~~ the person having responsibility for general supervision of the work of such officer, ~~shall~~~~may~~ be filed in the *office of the Secretary of State* ~~several offices in which the commission of such officer is recorded~~. The *Secretary of State* ~~county clerk~~ shall note the fact upon the margin of the record ~~where the commission is recorded~~, and thereupon the power of the person to act as a TVA *or commission* peace officer shall cease ~~as to any particular county in which such notice is filed and recorded~~.

➔Section 4. KRS 61.889 is amended to read as follows:

Each TVA *or commission* peace officer appointed pursuant to KRS 61.886 to 61.892 shall, before he *or she* enters upon the discharge of the duties of his *or her* office, execute bond in the sum of fifty thousand dollars (\$50,000), with good security, conditioned upon the faithful performance of his *or her* duty as such officer, and take and subscribe an oath of office and the oath required by Section 228 of the Constitution of Kentucky. ~~The bond shall be executed before the county judges/executive of the several counties in which he performs any duties as a TVA peace officer, and the bond shall be approved, and the oath administered, by the county judge/executive.~~ The bond and oath shall be entered of record by the *Secretary of State* ~~county clerks of the several counties in which executed~~, and the execution of the bond and the taking of the oath shall be endorsed upon the commission of the person so qualifying. In lieu of such individual bonds, a duly executed bond covering all TVA *or commission* peace officers appointed and commissioned pursuant to this section, as principals, with TVA as surety, in the amount of fifty thousand dollars (\$50,000) for each such officer and conditioned for the faithful performance of *his or her* ~~their~~ duties may be filed by TVA *or the commission* with the Secretary of State of the Commonwealth in which event individual bonds shall not be required. ~~Certified copies of such bonds shall be recorded with the county clerks of the several counties where such officers record their commissions and take their oaths.~~

Signed by Governor March 17, 2011.