

CHAPTER 67

(HB 375)

AN ACT relating to reorganization.

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

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

As used in this section, "chief fire officer" means an individual who plays an essential role in the administrative structure of his or her fire department.

- (1) There is hereby created the *Kentucky Fire Commission* ~~{on Fire Protection Personnel Standards and Education}~~, hereinafter called "commission," which shall be attached to the Kentucky Community and Technical College System *for administrative purposes only*.
- (2)
 - (a) *The commission shall include male, female, and racial minority representation.*
 - (b) *No more than three (3) appointed members shall reside in the same congressional district.*
- (3) The commission shall be composed of *fourteen (14)* ~~{seventeen (17)}~~ members, residents of the State of Kentucky, *and* appointed by the Governor. These members should be persons well qualified by experience or education in the field of fire protection or related fields.
- ~~(4)~~~~(3)~~ The membership of the commission shall include:
 - (a) *One (1) member of a fire department formed under KRS Chapter 75 or KRS Chapter 273 who is:*
 1. *Not a chief fire officer;*
 2. *Not a career employee of any department other than the one from which he or she is nominated; and*
 3. *Selected from a list of at least three (3) names submitted by the Kentucky Firefighters Association* ~~{Two (2) volunteer firefighters, neither of which is a fire chief or assistant fire chief}~~;
 - (b) *One (1) member of a volunteer fire department who is:*
 1. *Not a chief fire officer;*
 2. *Not a career employee of any fire department other than the one from which he or she is nominated; and*
 3. *Selected from a list of at least three (3) names submitted by the Kentucky Firefighters Association* ~~{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) member of a fire department formed under KRS Chapter 95 selected from a list of at list three (3) names submitted by the Kentucky Professional Firefighters* ~~{trustee of a volunteer fire department or fire district who is not a volunteer firefighter}~~;
 - (d) *One (1) chief* ~~{Two (2)}~~ *fire officer* ~~{chiefs}~~ *of a paid fire department* ~~{departments}~~ *selected from a list of at least three (3) names submitted by the Kentucky Association of Fire Chiefs;*
 - (e) *One (1) licensed physician with experience in emergency medicine;*
 - (f) *A chief* ~~{Two (2)}~~ *fire* ~~{chiefs}~~ *officer of a volunteer fire department* ~~{departments}~~ *who is not a career member of any other department, selected from a list of at least three (3) names submitted by the Kentucky Association of Fire Chiefs;*
 - (g) *One (1) member of a fire department formed under KRS Chapter 67, 75, or a fire department in a county containing an urban county government created pursuant to KRS Chapter 67A, who is selected from a list of at least three (3) names submitted by the Kentucky Professional Firefighters* ~~{One (1) representative of the Kentucky Industrial Response Committee}~~;

- (h) *The director of Homeland Security or his or her designee*~~[One (1) representative of the Division of Emergency Management of the Department of Military Affairs];~~
 - (i) One (1) mayor *or other officer* of a Kentucky city *providing fire services under KRS Chapter 95 selected from a list of at least three (3) names submitted by the Kentucky League of Cities*;
 - (j) One (1) county judge/executive *or other officer of a Kentucky county selected from a list of at least three (3) names submitted by the Kentucky Association of Counties*;
 - (k) One (1) representative of a Kentucky *building, industry, or safety association*~~[business enterprise];~~
~~and~~
 - (l) One (1) representative of the general public *who is not an employee of any government or governmental agency*;
 - (m) *The State Fire Marshal or his or her designee*;
 - (n) *One (1) officer of a fire based emergency medical service selected from a list of at least three (3) names submitted by the Executive Director of the Kentucky Board of Emergency Medical Services.*
- (5) The *Vice President of Administrative Services*~~[chancellor for the Technical Institutions' Branch]~~ of the Kentucky Community and Technical College System, *President of the Kentucky Firefighters Association, President of the Kentucky Professional Firefighters, and President of the Kentucky Association of Fire Chiefs*~~[and the state fire marshal]~~, or their designees, shall serve as *nonvoting* ex officio members of the commission.~~[Their designees shall have full voting rights.]~~
- (6) *The members of the commission who are firefighters shall possess a minimum of five (5) years of fire service experience and shall be certified with the following:*
- (a) *One hundred fifty (150) hours of training for volunteer firefighters; or*
 - (b) *Four hundred (400) hours of training for professional firefighters.*
- (7) *The Kentucky Firefighters Association, Kentucky Professional Firefighters, Kentucky Association of Fire Chiefs, Kentucky Board of Emergency Medical Services Association, Kentucky League of Cities, and Kentucky Association of Counties shall submit their lists of nominees by November 15 of each year as vacancies occur.*
- (8) *The Governor shall appoint members of the commission to staggered terms not to exceed four (4) years. However, initial appointments shall be appointed as follows:*
- (a) *Four (4) members shall serve for two (2) year terms ending November 30, 2021;*
 - (b) *Five (5) members shall serve three (3) year terms ending November 30, 2022; and*
 - (c) *Five (5) members shall serve four (4) year terms ending November 30, 2023.*
- (9) *After the expiration of the initial appointments, 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 or she is chosen to succeed.*
- (10) *When vacancies occur other than by expiration of term and nominations are required, the Governor may request a new list or select an appointee from a previously submitted list. Appointive members shall not serve more than two (2) consecutive four (4) year terms.*
- ~~(11)(4)~~ *A majority of the voting members appointed to the commission shall constitute a quorum. The commission shall:*
- (a) Meet at least *four (4)*~~[six (6)]~~ times per year *upon call of the chair, or upon the written request of any five (5) members; and*
 - (b) Annually elect a chair, vice chair, and secretary in accordance with KRS 95A.030~~[; and~~
 - ~~(c) Set a schedule of at least six (6) meetings for the next twelve (12) months].~~
- ~~(12)(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.

~~(13)(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) 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 17.167 is amended to read as follows:

- (1) As used in this section, "felony offender" means any person who has been convicted of, entered an Alford plea to, or pleaded guilty to the commission of a capital offense or a felony.
- (2) Any paid or volunteer fire department certified by the **Kentucky Fire** Commission ~~{on Fire Protection Personnel Standards and Education}~~, ambulance service licensed by the Commonwealth of Kentucky, or rescue squad officially affiliated with a local disaster and emergency services organization or with the Division of Emergency Management may apply to the Justice and Public Safety Cabinet or the Administrative Office of the Courts for a felony offender record check on applicants for employment or membership with the fire department, ambulance service, or rescue squad.
- (3) Each application form, provided by a fire department, ambulance service, or rescue squad to an applicant for employment or membership, shall conspicuously state the following: "FOR EMPLOYMENT WITH OR MEMBERSHIP WITH A FIRE DEPARTMENT, AMBULANCE SERVICE, OR RESCUE SQUAD, STATE LAW PERMITS A CRIMINAL RECORD CHECK AS A CONDITION OF EMPLOYMENT OR MEMBERSHIP."
- (4) Any request for records under this section shall be on a form approved by the Justice and Public Safety Cabinet or the Administrative Office of the Courts. The Justice and Public Safety Cabinet and the Administrative Office of the Courts shall not charge a fee for making record checks.

➔Section 3. KRS 39E.030 is amended to read as follows:

- (1) The commission shall be composed of not more than twenty-five (25) members and shall be chaired by the director of the Division of Emergency Management of the Department of Military Affairs, who shall also be a member. Other members shall include, but not be limited to, the executive director of the **Kentucky Fire** Commission ~~{on Fire Protection Personnel Standards and Education}~~ or the executive director's designee, representatives of the Energy and Environment Cabinet, the state fire marshal, the Department of Kentucky State Police, the Office of the Attorney General, the Department of Agriculture, affected industry, local government, health services, environmental interests, and other persons who have technical expertise in the emergency response field as the Governor deems appropriate.
- (2) Members of the commission shall be appointed by the Governor. All appointments shall be for a term of two (2) years. Members shall serve until their successors are appointed and qualified and shall be eligible for reappointment.
- (3) The commission shall meet not less than semi-annually, or as convened by the chairman.
- (4) If a member misses three (3) consecutive meetings of the full commission or three (3) meetings in two (2) consecutive years, the position shall be declared vacant by the commission. In these cases, the Governor shall make an appointment to fill the unexpired term.
- (5) The presence of a simple majority of currently appointed members shall constitute a quorum and actions taken at these meetings shall be considered as actions of the full commission.
- (6) Members of the commission shall not receive a salary for serving on the commission, but travel and per diem may be paid if funds are appropriated or otherwise made available for these purposes.

➔Section 4. KRS 61.315 is amended to read as follows:

- (1) As used in this section:
 - (a) "Police officer" means every paid police officer, sheriff, or deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-county correctional

officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, any police officer of a public institution of postsecondary education appointed pursuant to KRS 164.950, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, elected to office, or employed by any county, airport board created pursuant to KRS Chapter 183, city, or by the state;

- (b) "Firefighter" means every paid firefighter or volunteer firefighter who is employed by or volunteers his or her services to the state, airport board created pursuant to KRS Chapter 183, any county, city, fire district, or any other organized fire department recognized, pursuant to KRS 95A.262, as a fire department operated and maintained on a nonprofit basis in the interest of the health and safety of the inhabitants of the Commonwealth and shall include qualified civilian firefighters employed at Kentucky-based military installations; and
- (c) "Emergency medical services personnel" means any paid or volunteer emergency medical services personnel who is certified or licensed pursuant to KRS Chapter 311A and who is employed directly by, or volunteering directly for, any:
 1. County;
 2. City;
 3. Fire protection district created under KRS 75.010 to 75.260; or
 4. Emergency ambulance service district created under KRS 108.080 to 108.180;
 to provide emergency medical services.

- (2) The spouse of any police officer, sheriff, deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, any police officer of a public institution of postsecondary education appointed pursuant to KRS 164.950, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, firefighter, or member of the Kentucky National Guard on state active duty pursuant to KRS 38.030, or a member of a state National Guard or a Reserve component on federal active duty under Title 10 or 32 of the United States Code who names Kentucky as home of record for military purposes, whose death occurs on or after July 1, 2002, as a direct result of an act in the line of duty shall receive a lump-sum payment of eighty thousand dollars (\$80,000) if there are no surviving children, which sum shall be paid by the State Treasurer from the general fund of the State Treasury. The spouse of any emergency medical services personnel whose death occurs on or after November 1, 2015, as a direct result of an act in the line of duty shall receive a lump-sum payment of eighty thousand dollars (\$80,000) if there are no surviving children, which sum shall be paid by the State Treasurer from the general fund of the State Treasury. If there are surviving children and a surviving spouse, the payment shall be apportioned equally among the surviving children and the spouse. If there is no surviving spouse, the payment shall be made to the surviving children, eighteen (18) or more years of age. For surviving children less than eighteen (18) years of age, the State Treasurer shall:

- (a) Pay thirty-five thousand dollars (\$35,000) to the surviving children; and
- (b) Hold forty-five thousand dollars (\$45,000) in trust divided into equal accounts at appropriate interest rates for each surviving child until the child reaches the age of eighteen (18) years.

If a child dies before reaching the age of eighteen (18) years, his or her account shall be paid to his or her estate. If there are no surviving children, the payment shall be made to any parents of the deceased.

- (3) The **Kentucky Fire** Commission [~~on Fire Protection Personnel Standards and Education~~] shall be authorized to promulgate administrative regulations establishing criteria and procedures applicable to the administration of this section as it pertains to both paid and volunteer firefighters, including but not limited to defining when a firefighter has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.
- (4) The Justice and Public Safety Cabinet may promulgate administrative regulations establishing criteria and procedures applicable to the administration of this section as it pertains to police officers, any metropolitan or urban-county correctional officers with the power of a peace officer pursuant to KRS 446.010, or any jailers or deputy jailers, including but not limited to defining when one has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.

- (5) The Department of Corrections shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to correctional employees, including but not limited to defining which employees qualify for coverage and which circumstances constitute death in the line of duty.
- (6) The Kentucky Board of Emergency Medical Services shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to emergency medical services personnel, including but not limited to which employees or volunteers qualify for coverage and which circumstances constitute death in the line of duty.
- (7) The Department of Military Affairs shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to National Guard or Reserve component members, including but not limited to defining which National Guard or Reserve component members qualify for coverage and which circumstances constitute death in the line of duty.
- (8) The estate of anyone whose spouse or surviving children would be eligible for benefits under subsection (2) of this section, and the estate of any regular member of the United States Armed Forces who names Kentucky as home of record for military purposes whose death occurs as a direct result of an act in the line of duty, shall be exempt from all probate fees, including but not limited to those established by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or imposed under KRS 24A.185, 64.012, and 172.180.
- (9) The benefits payable under this section shall be in addition to any benefits now or hereafter prescribed under any police, sheriff, firefighter's, volunteer firefighter's, emergency medical services personnel, or National Guard or Reserve retirement or benefit fund established by the federal government or by any state, county, or any municipality.
- (10) Any funds appropriated for the purpose of paying the death benefits described in subsection (2) of this section shall be allotted to a self-insuring account. These funds shall not be used for the purpose of purchasing insurance.
- (11)
 - (a) For the purposes of this section, if a firefighter dies as a result of cancer, the death shall be a direct result of an act in the line of duty if the firefighter:
 1. Was a firefighter for at least five (5) consecutive years;
 2. Developed one (1) or more of the cancers listed in paragraph (b) of this subsection which caused the firefighter's death within ten (10) years of separation from service as a firefighter;
 3. Did not use tobacco products for a period of ten (10) years prior to the diagnosis of cancer;
 4. Was under the age of sixty-five (65) at the time of death;
 5. Was not diagnosed with any cancer prior to employment as a firefighter; and
 6. Was exposed while in the course of firefighting to a known carcinogen as defined by the International Agency for Research on Cancer or the National Toxicology Program, and the carcinogen is reasonably associated with one (1) or more of the cancers listed in paragraph (b) of this subsection.
 - (b) This section shall apply to the following cancers:
 1. Bladder cancer;
 2. Brain cancer;
 3. Colon cancer;
 4. Non-Hodgkin's lymphoma;
 5. Kidney cancer;
 6. Liver cancer;
 7. Lymphatic or haematopoietic cancer;
 8. Prostate cancer;
 9. Testicular cancer;

10. Skin cancer;
 11. Cervical cancer; and
 12. Breast cancer.
- (c) 1. The provisions of this subsection creating an entitlement to the line of duty death benefits shall apply exclusively to this section and shall not be interpreted or otherwise construed to create either an express or implied presumption of work-relatedness for any type of claim filed pursuant to KRS Chapter 342.
2. This paragraph is intended to provide clarification regarding the sole and exclusive application of this subsection to only the benefits available under this section and shall not be used as a bar or other type of limitation to impair or alter the rights and ability of a claimant to prove work-relatedness under KRS Chapter 342 or other laws.

➔Section 5. 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 **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~, attached to the Kentucky Community and Technical College System.
- (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 6. KRS 95A.055 is amended to read as follows:

- (1) As used in this section, "fire department" means:
 - (a) Any fire protection district or volunteer fire department district operating under KRS Chapter 75 with the higher of annual receipts from all sources or annual expenditures of less than one hundred thousand dollars (\$100,000); or
 - (b) Any fire department incorporated under KRS Chapter 273.
- (2) If a fire protection district or volunteer fire department district's annual revenues or expenditures equals or exceeds one hundred thousand dollars (\$100,000) for two (2) consecutive fiscal years, then the fire district shall, for the next reporting period and any subsequent reporting period for which it exceeds that amount, be considered a special purpose governmental entity as defined in KRS 65A.010 and shall comply with KRS Chapter 65A until its annual revenues or expenditures are less than one hundred thousand dollars (\$100,000), whereupon it may again qualify as a fire department under this section.
- (3) Each fire department shall for each fiscal year beginning on and after July 1, 2016, annually submit to the commission the information required by this section. The information shall be submitted at the time and in the form and format required by the commission. The information submitted shall include at a minimum the following:
 - (a) Administrative information:
 1. The name, address, and, if applicable, the term and appointing authority for each board member of the governing body of the fire department;
 2. The fiscal year of the fire department;
 3. The Kentucky Revised Statute and, if applicable, the local government ordinance under which the fire department was established; the date of establishment; the establishing entity; and the statute or statutes, local government ordinance, or interlocal agreement under which the fire

- department operates, if different from the statute or statutes, ordinance, or agreement under which it was established;
4. The mailing address and telephone number and, if applicable, the Web site uniform resource locator (URL) of the fire department;
 5. The operational boundaries and service area of the fire department and the services provided by the fire department;
 6. A listing of the taxes or fees imposed and collected by the fire department, including the rates or amounts charged for the reporting period and the statutory or other source of authority for the levy of the tax or fee;
 7. The primary contact for the fire department for purposes of communication with the commission;
 8. The code of ethics that applies to the fire department, and whether the fire department has adopted additional ethics provisions;
 9. A listing of all federal, state, and local governmental entities that have oversight authority over the fire department or to which the fire department submits reports, data, or information; and
 10. Any other related administrative information required by the commission; and
- (b) Financial information including budgets and financial expenditure information that are designed to ensure that all public funds received by the fire departments are being responsibly used. The commission shall, through the promulgation of an administrative regulation, establish the specific financial information that shall be filed to meet the requirements of this paragraph.
- (4) The commission shall review the reports required by this section and, if the commission finds that a report submitted does not comply with the requirements established by this section and regulations promulgated hereunder, the commission shall notify the fire department in writing. The notification shall include a description of the specific deficiencies identified, and shall describe the process the fire department shall follow to correct the deficiencies, including the time within which a response must be provided.
 - (5) The commission shall ensure that every fire department shall at least once every four (4) years be subject to a financial review that shall include procedures developed by the commission and approved by the Auditor of Public Accounts in advance. Subsequent changes to these procedures shall also be approved by the Auditor of Public Accounts prior to the period in which they are performed.
 - (6) The commission may require any fire department with the higher of annual receipts from all sources or annual expenditures equal to or greater than one hundred thousand dollars (\$100,000) but less than five hundred thousand dollars (\$500,000) to once every four (4) years be subject to an independent audit in the manner specified in KRS 65A.030(2).
 - (7) The commission shall ensure that every fire department with the higher of annual receipts from all sources or annual expenditures equal to or greater than five hundred thousand dollars (\$500,000) for two (2) consecutive fiscal years is audited annually in the manner specified in KRS 65A.030(2) until its annual revenues or expenditures are less than five hundred thousand dollars (\$500,000).
 - (8) The Auditor of Public Accounts may, upon request, examine and review the reports and all related work papers and documents relating to a financial review or audit under this section.
 - (9) If a fire department fails to comply with this section or KRS 75.430, then the commission may withhold:
 - (a) Incentive pay to qualified firefighters under KRS 95A.250;
 - (b) Volunteer fire department aid, funds used to purchase workers' compensation insurance for fire departments, and the low-interest loans under KRS 95A.262;
 - (c) Funds from the thermal vision grant program under KRS 95A.400 to 95A.440; and
 - (d) Any other funds that the commission controls.
 - (10) The commission shall report any irregularities relating to the finances or operations of a fire department that it identifies to the Attorney General and Auditor of Public Accounts, and the commission may notify any other public official with jurisdiction over fire departments for further investigation and follow-up.

- (11) The commission may prescribe corrective actions to bring fire departments that are, as of July 15, 2016, not in compliance with KRS Chapter 65A into compliance with this section. Any sanctions imposed by the Department for Local Government prior to July 15, 2016, shall be lifted upon notification by the commission to the department that the fire department in question has complied with the corrective actions prescribed by the commission.
- (12) The information reported by fire departments under this section shall be considered public records under KRS 61.872 to 61.884. The commission shall prominently post on its Web site the availability of the information required by this section and shall provide contact information and procedures for obtaining copies of the information.
- (13) The ~~fire~~ commission shall promulgate administrative regulations under KRS Chapter 13A as soon as practicable after July 15, 2016, to implement this section and KRS 75.430.
- (14) By October 1, 2016, and on or before each October 1 thereafter, the commission shall file an annual report with the Legislative Research Commission detailing the compliance of the fire departments required to report under this section with subsection (3) of this section. The Legislative Research Commission shall refer the report to the Interim Joint Committee on Local Government for review.

➔Section 7. KRS 95A.070 is amended to read as follows:

- (1) If a firefighter as defined in KRS 61.315 is, before, on, or after July 15, 2002, permanently and totally disabled as defined in KRS 342.0011 as a direct result of activities in the line of duty, then the firefighter shall be entitled to receive a monthly payment to be paid by the State Treasurer from the general fund appropriation to the police and firefighter-life insurance category contained in miscellaneous appropriations of the state/executive branch budget of:
 - (a) Three hundred dollars (\$300) to help defray the costs of life insurance; and
 - (b) Three hundred dollars (\$300) to help defray the costs of health insurance.
- (2) In order to receive the monthly payment, the firefighter must present to the **Kentucky Fire** Commission ~~on Fire Protection Personnel Standards and Education~~:
 - (a) A written statement from the fire chief of the fire department under whose command the firefighter was at the time of injury stating the fact that the firefighter was on active duty and on assignment with that fire department when the injury occurred; and
 - (b) A written statement from at least two (2) licensed and practicing physicians stating that the member is totally and likely to be permanently disabled as defined in KRS 342.0011; and
 - (c) Proof, in a form satisfactory to the commission, that the firefighter has either or both active life and health insurance policies.
- (3)
 - (a) If a firefighter, either through a settlement of any kind or through any other source, has life insurance provided at no cost, then the firefighter shall not be eligible to receive the life insurance payment described in subsection (1)(a) of this section. If a firefighter receives partial payment of life insurance, and the portion of the payment that the firefighter is responsible for is less than the amount stated in subsection (1) of this section, then the firefighter shall only receive that portion of the payment to pay for the cost of the insurance.
 - (b) If a firefighter, either through a settlement of any kind or through any other source, has health insurance provided at no cost, then the firefighter shall not be eligible to receive the health insurance payment described in subsection (1)(b) of this section. If a firefighter receives partial payment of health insurance, and the portion of the payment that the firefighter is responsible for is less than the amount stated in subsection (1) of this section, then the firefighter shall only receive that portion of the payment to pay for the cost of the insurance.
- (4) If the firefighter should no longer be considered permanently and totally disabled as defined in KRS 342.0011, or if either or both life and health insurance policies are terminated, then the firefighter shall within thirty (30) days of that determination notify the **Kentucky Fire** Commission ~~on Fire Protection Personnel Standards and Education~~, in writing, of that fact or facts. The commission shall then terminate the appropriate subsequent payments to that firefighter. A firefighter may continue to receive payments for one (1) type of insurance as long as the firefighter is still permanently and totally disabled and the insurance policy is active. If the firefighter fails to notify the commission within thirty (30) days and receives subsequent payments under this

section, the firefighter shall be responsible for repaying any payments provided to the firefighter under this section from the date that the firefighter was no longer considered permanently and totally disabled.

- (5) The **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ shall promulgate administrative regulations in accordance with the provisions of KRS Chapter 13A establishing procedures and criteria applicable to the administration of this section by December 31, 2002.
- (6) Any firefighter convicted of knowingly providing false information to receive the benefits in subsection (1) of this section shall be guilty of a Class D felony and shall be responsible for repaying the total amount paid to the firefighter, plus interest, under the provisions of this section within a time to be determined by the commission. The firefighter shall also no longer be eligible to receive any payments provided under this section.
- (7) In the event sufficient funds do not exist to cover all the financial obligations of this section, then the payments shall be prorated among the participants evenly.

➔Section 8. KRS 95A.210 is amended to read as follows:

As used in KRS 95A.200 to 95A.300, unless the context otherwise requires:

- (1) "Commission" means the **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ established pursuant to KRS 95A.020;
- (2) "Established work schedule" means a work schedule adopted by or required of a local government setting a recurring pattern for time on and off duty for professional firefighters employed by the local government. An established work schedule includes but is not limited to a schedule of twenty-four (24) consecutive hours on duty, followed by forty-eight (48) consecutive hours off duty;
- (3) "Executive director" means the executive director of the **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~;
- (4) "Fund" means Firefighters Foundation Program Fund;
- (5) "Local government" means any city, county, urban-county government, charter county government, unified local government, consolidated local government, or any combination thereof of the Commonwealth;
- (6) "Professional firefighter" means any member of a paid municipal fire department organized under KRS Chapter 95, 67A, or 67C, a fire protection district organized under KRS Chapter 75, or a county fire department created pursuant to KRS Chapter 67;
- (7) "Program" means the Alan "Chip" Terry Professional Development and Wellness Program for firefighters established in KRS 95A.292;
- (8) "Scheduled overtime" means work by a professional firefighter in excess of forty (40) hours per week which regularly recurs as part of an established work schedule; and
- (9) "Unscheduled overtime" means work by a professional firefighter in excess of forty (40) hours per week which does not regularly recur as part of an established work schedule.

➔Section 9. KRS 95A.262 is amended to read as follows:

- (1) The **Kentucky Fire** 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 A and B. The program shall be funded from revenues allocated to the Firefighters Foundation Program fund pursuant to KRS 136.392 and 42.190, not to exceed five hundred thousand dollars (\$500,000) per fiscal year.
- (2)
 - (a) Except as provided in subsection (3) of this section, the **Kentucky Fire** 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.
 - (b) The commission shall allot eleven thousand dollars (\$11,000) annually to each qualifying department.

- (c) 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.
- (d) 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.
- (e) 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 any other matters or standards that will best effect the purposes of the volunteer fire department aid law. A qualifying department shall:
 1. Include at least twelve (12) firefighters;
 2. Have a chief;
 3. Have at least one (1) operational fire apparatus or one (1) on order; and
 4. Have at least fifty percent (50%) of its firefighters who have completed at least one-half (1/2) of one hundred fifty (150) training hours, or as otherwise established by the commission under KRS 95A.240(6), 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, or as otherwise established by the commission by KRS 95A.240(6), within the second year.

These personnel, equipment, and training requirements shall not be made more stringent by the promulgation of administrative regulations.

- (f) 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.
 - (g) 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 provided 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 **Kentucky Fire** 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 **Kentucky Fire** 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 **Kentucky Fire** Commission ~~on Fire Protection Personnel Standards and Education~~.
 - (6) Upon the written request of any department, the **Kentucky Fire** 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) 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) Each fiscal year there shall be 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 **Kentucky Fire** 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 state fire marshal 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 **Kentucky Fire** 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 emergency medical services, emergency medical responder, emergency medical technician, advanced emergency medical technician, 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.

➔Section 10. KRS 95A.265 is amended to read as follows:

- (1) There is hereby created a safety education fund to be administered by the **Kentucky Fire** Commission ~~{on Fire Protection Personnel Standards and Education}~~ to initiate education programs in the public schools and other agencies to reduce and prevent injuries and the loss of life. The fund shall:
- (a) Provide funding for a statewide "Risk Watch" program to be implemented in the public schools;
 - (b) Provide funding for statewide fire safety initiatives and programs including the "Learn Not to Burn" program; and
 - (c) Allot grants to fire departments to provide resources for public education programs.
- (2) The commission shall promulgate administrative regulations to establish the criteria for providing funds to initiate injury prevention curricula and training programs throughout the state. The funding criteria shall include requirements that the recipients of funds work in cooperation with other agencies to establish the programs.

➔Section 11. KRS 95A.280 is amended to read as follows:

Each eligible local government, the Kentucky Community and Technical College System, and the Department of Military Affairs shall submit reports to the **Kentucky Fire** Commission ~~{on fire protection}~~ on June 30, September 30, December 31, and March 31 of each year containing information relative to number, rank, education, training and compensation of firefighters and fire and rescue training coordinators in their jurisdictions and the disposition made of any state or other funds received pursuant to KRS 95A.200 to 95A.300.

➔Section 12. KRS 95A.510 is amended to read as follows:

As used in KRS 95A.500 to 95A.560, unless the context requires otherwise:

- (1) "Qualified fire department" means any volunteer fire department in any city of any class, 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 eligible to receive volunteer fire department aid under KRS 95A.262(2); and
- (2) "Qualified share" means the amount of money allocated by the **Kentucky Fire** Commission ~~{on Fire Protection Personnel Standards and Education}~~ for volunteer fire department aid under KRS 95A.262(2), less any

penalties for failure to participate satisfactorily in the Kentucky fire incident reporting system as described in KRS 304.13-380.

➔Section 13. KRS 95A.520 is amended to read as follows:

- (1) The **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ shall pay to the merged district, for the first, second, and third years after the merger, the number of qualified shares of volunteer fire department aid allotted under KRS 95A.262(2) equal to the total number of qualified shares that each department would have received previous to merger;
- (2) The **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ shall pay to the merged district, for the fourth, fifth, and sixth years after the merger, the number of qualified shares of volunteer fire department aid allotted under KRS 95A.262(2) equal to fifty percent (50%) of the total number of qualified shares that each department would have received previous to merger, plus one (1) yearly disbursement of four thousand dollars (\$4,000) as a merger incentive; and
- (3) The **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ shall pay to the merged district, for the seventh year after the merger and thereafter, one (1) qualified share of volunteer fire department aid allotted under KRS 95A.262(2).

➔Section 14. KRS 95A.530 is amended to read as follows:

The trustees of the volunteer fire district shall notify the **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~, in writing, within thirty (30) days of the merger or splitting of a merged volunteer fire district created under the provisions of this chapter. Notification shall be made in the manner prescribed by the **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ in administrative regulations promulgated in accordance with the provisions of KRS Chapter 13A.

➔Section 15. KRS 95A.550 is amended to read as follows:

The **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ shall calculate and disburse to each district merged after January 1, 2000, but before July 15, 2002, any payments owed the district according to the schedule set out in this section. In order to receive the payment, the trustees of the volunteer fire district shall notify the commission in writing within sixty (60) days of July 15, 2002, that there has been a merger in their jurisdiction within that time. If sufficient funds do not exist to make all the payments at one (1) time owed under the provisions of this subsection, then the available amount shall be prorated evenly and proportionately and disbursed among those merged districts each disbursement cycle until the total amount has been paid to each of those districts. The commission shall not reduce any other payments under KRS 95A.262 to make the payments under this subsection.

➔Section 16. KRS 95A.560 is amended to read as follows:

If the resulting merged district does not remain qualified to receive the volunteer fire department aid under KRS 95A.262(2), then the **Kentucky Fire** Commission~~[on Fire Protection Personnel Standards and Education]~~ shall suspend all payments calculated under KRS 95A.520. The merged district shall have ninety (90) days to come into compliance with the requirements for qualification. If the merged district does so, then the commission shall resume payments as calculated under KRS 95A.520. If the merged district does not come into compliance within ninety (90) days of the loss of qualification, then the commission shall not resume payments as calculated under KRS 95A.520. Should the merged district come into compliance after ninety (90) days, it shall receive only one (1) qualified share of the volunteer fire department aid under KRS 95A.262(2).

➔Section 17. KRS 136.392 is amended to read as follows:

- (1) (a) Every domestic, foreign, or alien insurer, other than life and health insurers, which is either subject to or exempted from Kentucky premium taxes as levied pursuant to the provisions of either KRS 136.340, 136.350, 136.370, or 136.390, shall charge and collect a surcharge of one dollar and eighty cents (\$1.80) upon each one hundred dollars (\$100) of premium, assessments, or other charges, except for those municipal premium taxes, made by it for insurance coverage provided to its policyholders, on risk located in this state, whether the charges are designated as premiums, assessments, or otherwise. The premium surcharge shall be collected by the insurer from its policyholders at the same time and in the same manner that its premium or other charge for the insurance coverage is collected. The premium surcharge shall be disclosed to policyholders pursuant to administrative regulations promulgated by the commissioner of insurance. However, no insurer or its agent shall be entitled to any portion of any premium surcharge as a fee or commission for its collection. On or before the twentieth day of each month, each insurer shall report and remit to the Department of Revenue, on forms as it may require, all

premium surcharge moneys collected by it during its preceding monthly accounting period less any moneys returned to policyholders as applicable to the unearned portion of the premium on policies terminated by either the insured or the insurer. Insurers with an annual liability of less than one thousand dollars (\$1,000) for each of the previous two (2) calendar years may report and remit to the Department of Revenue all premium surcharge moneys collected on a calendar year basis on or before the twentieth day of January of the following calendar year. The funds derived from the premium surcharge shall be deposited in the State Treasury, and shall constitute a fund allocated for the uses and purposes of the Firefighters Foundation Program fund, KRS 95A.220 and 95A.262, and the Law Enforcement Foundation Program fund, KRS 15.430.

- (b) Effective July 1, 2019, the surcharge rate in paragraph (a) of this subsection shall only be adjusted by an Act of the General Assembly, and the adjusted rate shall be applied beginning ninety (90) days after the effective date of the Act.
- (2) Within five (5) days after the end of each month, all insurance premium surcharge proceeds deposited in the State Treasury as set forth in this section shall be paid by the State Treasurer into the Firefighters Foundation Program fund trust and agency account and the Law Enforcement Foundation Program fund trust and agency account. The amount paid into each account shall be proportionate to each fund's respective share of the total deposits, pursuant to KRS 42.190. Moneys deposited to the Law Enforcement Foundation Program fund trust and agency account shall not be disbursed, expended, encumbered, or transferred by any state official for uses and purposes other than those prescribed by KRS 15.410 to 15.500, except that beginning with fiscal year 1994-95, through June 30, 1999, moneys remaining in the account at the end of the fiscal year in excess of three million dollars (\$3,000,000) shall lapse. On and after July 1, 1999, moneys in this account shall not lapse. Money deposited to the Firefighters Foundation Program fund trust and agency account shall not be disbursed, expended, encumbered, or transferred by any state official for uses and purposes other than those prescribed by KRS 95A.200 to 95A.300, except that beginning with fiscal year 1994-95, through June 30, 1999, moneys remaining in the account at the end of the fiscal year in excess of three million dollars (\$3,000,000) shall lapse, but moneys in the revolving loan fund established in KRS 95A.262 shall not lapse. On and after July 1, 1999, moneys in this account shall not lapse.
- (3) Insurance premium surcharge funds collected from the policyholders of any domestic mutual company, cooperative, or assessment fire insurance company shall be deposited in the State Treasury, and shall be paid monthly by the State Treasurer into the Firefighters Foundation Program fund trust and agency account as provided in KRS 95A.220 to 95A.262. However, insurance premium surcharge funds collected from policyholders of any mutual company, cooperative, or assessment fire insurance company which transfers its corporate domicile to this state from another state after July 15, 1994, shall continue to be paid into the Firefighters Foundation Program fund and the Law Enforcement Foundation Program fund as prescribed.
- (4) No later than July 1 of each year, the Department of Insurance shall provide the Department of Revenue with a list of all Kentucky-licensed property and casualty insurers and the amount of premium volume collected by the insurer for the preceding calendar year as set forth on the annual statement of the insurer. No later than September 1 of each year, the Department of Revenue shall calculate an estimate of the premium surcharge due from each insurer subject to the insurance premium surcharge imposed pursuant to this section, based upon the surcharge rate imposed pursuant to this section and the amount of the premium volume for each insurer as reported by the Department of Insurance. The Department of Revenue shall compare the results of this estimate with the premium surcharge paid by each insurer during the preceding year and shall provide the Legislative Research Commission, the *Kentucky Fire* Commission ~~on Fire Protection Personnel Standards and Education~~, the Kentucky Law Enforcement Council, and the Department of Insurance with a report detailing its findings on a cumulative basis. In accordance with KRS 131.190, the Department of Revenue shall not identify or divulge the confidential tax information of any individual insurer in this report.
- (5) The insurance premiums surcharge provided in this section shall not apply to premiums collected from the following:
- (a) The federal government;
 - (b) Resident educational and charitable institutions qualifying under Section 501(c)(3) of the Internal Revenue Code;
 - (c) Resident nonprofit religious institutions for real, tangible, and intangible property coverage only;
 - (d) State government for coverage of real property; or
 - (e) Local governments for coverage of real property.

- (6) Pursuant to the Non-Admitted and Reinsurance Reform Act of 2010, Title V, Subtitle B, of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, the insurance premium surcharge on non-admitted insurance for multistate risks shall be exempt from the provisions of this section but shall be subject to the provisions of KRS 304.10-180.

➔Section 18. KRS 304.13-380 is amended to read as follows:

- (1) Each fire department operating within the Commonwealth, whether paid or volunteer, shall complete a report each time it responds to a fire call. The report shall be made on a form, similar to the National Fire Protection Association's standard fire reporting form, to be distributed by the *Kentucky Fire* Commission ~~on Fire Protection Personnel Standards and Education~~ and shall include but not be limited to the following information:
- (a) Date of the fire call;
 - (b) Time of day of the fire response;
 - (c) Number of pieces of fire equipment responding to each call;
 - (d) Number of firefighters responding to each call;
 - (e) Description of the estimated fire damages; and
 - (f) Cause of the fire, if known, or the suspected cause of the fire.
- (2) Each fire department operating within the Commonwealth, whether paid or volunteer, shall file a monthly summary of the reports required to be completed in subsection (1) of this section with the commission's office. The commission shall transmit a copy of each fire department's monthly summary to the commissioner. Monthly summaries shall be made on a form, similar to the National Fire Protection Association's fire reporting action summary form, to be distributed by the commission.

➔Section 19. The General Assembly confirms Executive Order 2019-790, dated October 21, 2019, to the extent it is not otherwise confirmed or superseded by this Act.

Signed by Governor March 27, 2020.