

## CHAPTER 116

## ( HB 120 )

AN ACT relating to consolidated emergency services districts and making an appropriation therefor.

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

➔SECTION 1. KRS CHAPTER 75A IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

*For the purposes of Sections 1 to 14 of this Act:*

- (1) *"Board" means the board of trustees of a consolidated emergency services board;*
- (2) *"Chief" means a chief executive officer appointed by a board to manage the affairs of a consolidated emergency services district;*
- (3) *"District" means a consolidated emergency services district, established in accordance with Section 2 of this Act; and*
- (4) *"Trustee" means a member of the board of trustees of a consolidated emergency services district.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 75A IS CREATED TO READ AS FOLLOWS:

- (1) *A new consolidated emergency services district may be formed by one (1) of the following processes:*

(a) *The board of:*

1. *Any two (2) or more fire protection districts established under KRS Chapter 75 or 273, any special district whose services are subject to the licensure provisions of KRS Chapter 311A, or any rescue squads established under KRS Chapter 39F; or*
2. *Any fire protection districts established under KRS Chapter 75 or 273, any special district whose services are subject to the licensure provisions of KRS Chapter 311A, or any rescue squads established under KRS Chapter 39F that have merged within the five (5) years prior to the adoption of this section that would have been eligible to consolidate under the provisions of this section;*
3. *May adopt resolutions agreeing to the formation of a consolidated emergency services district and requesting the creation of a consolidated emergency services district. The governing bodies shall notify the county fiscal court, consolidated local government, charter county government, or unified local government with jurisdiction over the proposed district and request the formation of a consolidated emergency services district; or*

(b) *The board of any two (2) or more consolidated emergency service districts established under Sections 1 to 14 of this Act may adopt resolutions agreeing to the merger of consolidated emergency services districts and requesting the creation of a new consolidated emergency services district. The governing bodies shall notify the county fiscal court, consolidated local government, charter county government, or unified local government with jurisdiction over the proposed district and request the formation of a new consolidated emergency services district.*

- (2) (a) *Any county fiscal court, consolidated local government, charter county government, or unified local government, upon receipt of a request from two (2) or more fire protection districts, special districts whose services are subject to the licensure provisions of KRS Chapter 311A, or rescue squads established under KRS Chapter 39F, may create a consolidated emergency services district in their jurisdiction by adoption of an ordinance approving the establishment of a consolidated emergency services district and authorizing any relevant fire protection district to join if its governing authority has approved it to join the consolidated district.*

(b) *The ordinance shall describe the boundaries by metes and bounds and name for the consolidated district. No consolidated emergency services district shall take effect less than sixty (60) days from completing the required elements outlined in this section.*

(c) *The county fiscal court, consolidated local government, charter county government, or unified local government clerk shall notify all planning commissions, cities, and area development districts within*

*whose jurisdiction the approved service area is located and any state agencies required by law to be notified of the proposal for the creation of the taxing district within thirty (30) days from adoption of the ordinance authorizing creation of the district.*

- (d) *The creation of a consolidated emergency services taxing district shall be of legal effect only after adoption of an ordinance creating the taxing district and after a certified copy of the ordinance creating the taxing district is filed with the county clerk.*
  - (e) *Any aggrieved person may bring an action in the Circuit Court having jurisdiction of that county to contest the decision of the county fiscal court or legislative body of the county to establish a consolidated emergency services district or to protest the inclusion of any county, consolidated local government, charter county government, unified local government, fire protection district or volunteer fire department district established pursuant to KRS Chapter 75 or 273, any special district whose services are subject to the licensure provisions of KRS Chapter 311A, or any rescue squad established pursuant to KRS Chapter 39F within a consolidated emergency services district.*
- (3) (a) *If the governing body of any fire protection district established under KRS Chapter 75 or 273, any special district whose services are subject to the licensure provisions of KRS Chapter 311A, or any rescue squad established under KRS Chapter 39F desires to have its district become part of an established consolidated emergency services district after the creation of the district, it shall by motion so record its desire in the minutes of the board, in the case of any fire protection district, any emergency medical services special district, or any rescue squad. The board shall convey this request to the consolidated emergency service district's board. Within sixty (60) days of receiving the request the consolidated emergency service district's board shall vote upon this request. The approval shall be certified to the clerk of the county, consolidated local government, charter county government, or unified local government in the jurisdiction in which the consolidated district is located.*
- (b) *The approval of the addition of a district to the consolidated emergency services district shall become effective upon the adoption of an ordinance amending the ordinance creating the consolidated emergency services district by the county fiscal court, consolidated local government, charter county government, or unified local government and authorizing the inclusion of the petitioning fire protection district. The amended ordinance shall identify the boundaries by metes and bounds of the amended consolidated emergency services district.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 75A IS CREATED TO READ AS FOLLOWS:

- (1) (a) *Upon passage of an ordinance by the county fiscal court, consolidated local government, charter county government, or unified local government creating the district, the affairs of the district shall be conducted by the board of trustees consisting of seven (7) members, four (4) to be elected by the members of the district as set out in this subsection and three (3) to be appointed by the county judge/executive pursuant to KRS 67C.139 or the chief executive officer of the county.*
- (b) *Two (2) members of the board shall be elected by the members providing emergency services within the district and shall be active members of the district.*
- (c) *Two (2) members of the board shall be property owners who own real or personal property which is subject to the fire protection tax pursuant to KRS 75.040, who personally reside in the district, and who are not active members of the district and shall be elected by the property owners of the district.*
- (d) *Property owners voting to select representatives to the board shall have attained the age of eighteen (18).*
- (e) *The county judge/executive of the county in which district is located, shall, with the approval of the fiscal court, appoint three (3) members of the board.*
- (f) *Appointment and election of trustees to a newly created district shall be completed within sixty (60) days of the passage of the ordinance creating the district.*
- (g) *At the first election held after the district is formed:*
1. *One (1) active member shall be elected to serve on the board for a period of one (1) year;*
  2. *One (1) active member for a period of three (3) years;*
  3. *One (1) property owner shall be elected to serve on the board for a period of two (2) years; and*
  4. *One (1) property owner for a period of four (4) years.*

*On the expiration of the respective terms, the successor to each shall have the same qualifications as his or her predecessor and shall be elected for a term of four (4) years.*

- (h) The original appointed members of the board shall be appointed for terms of one (1), two (2), and three (3) years respectively. On the expiration of the respective terms, the successors to each shall be appointed for a term of three (3) years.*
- (i) In the event of a vacancy in the term of an appointed or elected trustee, the county judge/executive shall, with the approval of the fiscal court, appoint a trustee for the remainder of the term, or the chief executive officer of the county pursuant to KRS 67C.139 shall appoint a trustee for the remainder of the term.*
- (2) An appointed trustee may be removed from office as provided by KRS 65.007.*
- (3) No person shall be an elected trustee who, at the time of his or her election, is not a citizen of Kentucky and has not attained the age of twenty-one (21).*
- (4) Unless otherwise provided by law, an elected active member trustee may be removed from office by the county judge/executive or chief executive officer of the county in which district is located. An elected active member trustee may be removed after a hearing with notice as required by KRS Chapter 424, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The hearing shall be initiated and chaired by the county judge/executive of a county or the chief executive officer of the county, who shall prepare a written statement setting forth the reasons for removal. The trustee to be removed shall be notified of his or her proposed removal and the reasons for the proposed removal by registered mail sent to his or her last known address at least ten (10) days prior to the hearing. The person proposed to be removed may employ counsel to represent him or her. A record of the hearing shall be made by the county judge/executive or mayor respectively.*
- (5) The removal of an elected active member trustee of a district shall be subject to the approval of the fiscal court of the county or the legislative body of the county in which the district is located.*
- (6) An elected active member trustee removed pursuant to subsections (4) and (5) of this section may appeal, within ten (10) days of the rendering of the decision of the fiscal court or legislative council, respectively, to the Circuit Court of the county in which the district is located. The scope of the appeal shall be limited to whether the county judge/executive, mayor, legislative body, or the fiscal court respectively, abused their discretion in removing the trustee.*
- (7) (a) The elective offices of members of the board shall be filled by an election to be held once each year on the fourth Saturday of June between the hours of 11:00 a.m. and 2:00 p.m.*
  - (b) The polls shall be located at the principal fire house in the district.*
  - (c) The date, time, and place of the election shall be advertised in accordance with KRS 424.120. This notice shall be advertised at least thirty (30) days prior to the election date and shall include the names and addresses of the candidates to be voted on for each position of trustee.*
  - (d) In lieu of the published notice for the election of the active member trustees, written notice containing the information required to be advertised may be sent by first-class mail to each member of the consolidated emergency services district, addressed to the member at his or her residence, at least thirty (30) days prior to the election date.*
- (8) The nominations for candidates for trustees representing both the active members and the property owners residing in the district shall be made in accordance with the bylaws of the district. The terms of the three (3) trustees appointed by the county judge/executive or chief executive officer of the county shall start at the same time as the terms of the elected trustees.*
- (9) The trustees shall elect from their number a chairman, a secretary, and a treasurer, the latter of whom shall give bond in an amount be determined by the county judge/executive of the county or chief executive officer of the county in which district is located, conditioned upon the faithful discharge of the duties of his or her office, and the faithful accounting for all funds which may come into his or her possession as treasurer. The premiums on the bonds shall be paid out of the funds of the district.*
- (10) Unless previously removed for cause in the last four (4) years, an elected trustee may seek reelection to the board.*

(11) *If no one is nominated for, or elected and qualified to, an open seat on the board, the county judge/executive or the chief executive officer of the county shall promptly fill the vacancy by appointment of a qualified person who shall serve for the same period as if otherwise elected.*

(12) *A quorum of the board shall consist of a majority of its members.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 75A IS CREATED TO READ AS FOLLOWS:

(1) *The board may fix the respective salaries of its members on a per meeting basis not to exceed twenty-five dollars (\$25) per meeting and not to exceed one (1) meeting per month.*

(2) *The board shall meet at least once a month at a time and place designated by the board and all meetings, except executive meetings, shall be open to the public.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 75A IS CREATED TO READ AS FOLLOWS:

(1) (a) *Upon the creation of a district, the trustees of a district are authorized to provide fire services, emergency medical services subject to KRS Chapter 311A, or rescue services pursuant to KRS Chapter 39F, as provided in paragraph (c) of this subsection, and to levy a tax upon the property in the district.*

(b) *The property taxed shall be subject to county tax, and the tax levied by the board upon creation of the district shall be approved by the county fiscal court, consolidated local government, charter county government, or unified local government having jurisdiction over the district at the time of passage of the ordinance creating the district. The tax shall not exceed ten cents (\$0.10) per one hundred dollars (\$100) of valuation as assessed for county taxes, for the purpose of defraying the expenses for the provision of fire services or rescue services. The rate set in this subsection shall apply, notwithstanding the provisions of KRS 132.023.*

(c) *The district that establishes and operates an emergency ambulance service and is the primary service provider in the district may levy a tax upon the property in the district. The tax to be levied shall be proposed by the board, shall be approved by the county fiscal court, consolidated local government, charter county government, or unified local government having jurisdiction over the district and the tax shall not exceed twenty cents (\$0.20) per one hundred dollars (\$100) of valuation as assessed for county taxes, for the purpose of defraying the expenses of the provision of fire services, emergency medical services, or rescue service, or to make contracts for fire protection for the districts as provided in KRS 75.050. The rate set in this subsection shall apply, notwithstanding KRS 132.023.*

(d) 1. *Any increase of the total tax levy beyond the rate initially approved by the board and authorized by the county fiscal court, consolidated local government, charter county government, or unified local government shall be subject to KRS 132.023. Any increase in excess of the annual compensating rate for the consolidated emergency services district shall require the approval of the county fiscal court, consolidated local government, charter county government, or unified local government having jurisdiction over the district. If at any time an election resulting from a recall petition pursuant to KRS 132.017 is required, the question shall be presented to all voters in every precinct for which any part of the precinct is served by the district subject to the recall petition.*

2. *If two (2) or more established consolidated emergency services merge to create a new consolidated emergency services district, as authorized in this chapter, the initial tax to be levied, as proposed by the board, shall be approved by the county fiscal court, consolidated local government, charter county government, or unified local government having jurisdiction over the district, and the initial tax levied shall not exceed the highest tax rate currently levied by one (1) of the merging districts. Any increase to the initial tax rate shall be subject to KRS 132.023. Any increase in excess of the annual compensating rate for the consolidated emergency services district shall require the approval of the county fiscal court, consolidated local government, charter county government, or unified local government having jurisdiction over the district. If at any time an election resulting from a recall petition pursuant to KRS 132.017 is required, the question shall be presented to all voters in every precinct for which any part of the district serves.*

(2) *The property valuation administrator of the county in which the district is created, with the cooperation of the board, shall note on the tax rolls the taxpayers and valuation of the property subject to such assessment.*

*The county clerk shall compute the tax on the regular state and county tax bills in such manner as may be directed by regulation of the Department of Revenue.*

- (3) *These taxes shall be subject to the same delinquency date, discounts, penalties, and interest as are applied to the collection of ad valorem taxes and shall be collected by the sheriff of the county involved and accounted for to the treasurer of the district. The sheriff shall be entitled to a fee of the amount collected by him. The fiscal court shall, in the ordinance set forth in subsection (2) of this section and in consultation with the sheriff and the consolidated emergency services district, set a collection fee for the sheriff in an amount not to exceed four and one-fourth percent (4.25%).*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 75A IS CREATED TO READ AS FOLLOWS:

- (1) *The board shall oversee the provision of emergency services to residents within the service area of the district and may:*
- (a) *Purchase vehicles and all other necessary equipment and employ trained personnel who meet all federal and state requirements;*
  - (b) *Adopt rules and regulations necessary to effectively and efficiently provide emergency services for the district;*
  - (c) *Employ a chief;*
  - (d) *Employ persons to administer the daily operations of the emergency services district;*
  - (e) *Compensate employees of the district at a rate determined by the board;*
  - (f) *Apply for and receive available funds from the state and federal governments for the purpose of maintaining or improving the emergency services of the district; and*
  - (g) *Acquire by bequest, gift, grant, or purchase any real or personal property necessary to provide emergency services.*
- (2) *The establishment, maintenance, and operation of a consolidated emergency services district shall include but not be limited to the following activities:*
- (a) *Acquisition and maintenance of adequate fire protection and, where applicable, emergency medical response facilities or rescue facilities;*
  - (b) *Acquisition and maintenance of adequate firefighting and, where applicable, medical response, equipment or rescue equipment;*
  - (c) *Recruitment, training and supervision of firefighters and, where applicable, any emergency medical service or rescue personnel;*
  - (d) *Control and extinguishment of fires;*
  - (e) *Prevention of fires;*
  - (f) *Conducting fire safety activities;*
  - (g) *Payment of compensation to firefighters and where applicable, to emergency medical service and rescue personnel, and providing the necessary support and supervisory personnel;*
  - (h) *Payment for reasonable benefits or a nominal fee to volunteer firefighters when benefits and fees do not constitute wages or salaries under KRS Chapter 337 and are not taxable as income to the volunteer firefighters under Kentucky or federal income tax laws; and*
  - (i) *Use of consolidated emergency services district equipment for activities which are for a public purpose and which do not materially diminish the value of the equipment.*
- (3) *The board shall comply with KRS 65A.010 to 65A.090.*

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 75A IS CREATED TO READ AS FOLLOWS:

*The board, upon the assumption of office, shall assume all the duties, responsibilities, and liabilities of all previous entities that have been merged into the district. The territories of former districts, cities, and unincorporated territory shall become special taxing districts until their indebtedness has been relieved. Any agreements established by former entities now merged into the district for the provision of services outside the*

*district as established and for other legally binding agreements only until expired shall remain in effect for terms of service and duration as the agreement created has specified.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 75A IS CREATED TO READ AS FOLLOWS:

*The chief of the district, subject to directives and guidance from the board, shall be responsible for:*

- (1) *The hiring and discipline of all staff;*
- (2) *The creation of administrative, personnel, and operational policies, subject to the relevant federal and state administrative regulations and directives from the board; and*
- (3) *The preparation of plans for the distribution of personnel, apparatus, and equipment for the board's approval to provide for the optimal provision of emergency services within the district.*

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 75A IS CREATED TO READ AS FOLLOWS:

- (1) *The district may, through the board, make and enter into contracts with any other fire protection district, fire prevention district, municipal corporation, volunteer fire department, volunteer fire prevention unit, volunteer fire protection unit, any special district whose services are subject to the licensure provisions of KRS Chapter 311A, or any rescue squads established under KRS Chapter 39F, either within the same county or within an adjoining county in an area adjacent to the boundary line between the counties, for the furnishing or receiving of emergency services for all property within the confines of the area included in and covered by the contract or contracts, where these emergency services are not otherwise provided by some division of government or governmental agency.*
- (2) *The personnel acting in their official capacities and equipment of a contracting party, in going to and returning from an emergency, or in answering and responding to a false alarm or call, and while endeavoring to provide emergency services within the area covered by the contract, shall be deemed and is declared to be engaged in the exercise of a governmental function.*

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 75A IS CREATED TO READ AS FOLLOWS:

*All district personnel providing emergency services outside the district as provided in Sections 1 to 14 of this Act, or area normally served by the consolidated emergency services district, shall be considered as serving in their regular line of duty as fully as if they were serving within the limits of their own district, but full-paid emergency personnel shall receive no additional compensation and volunteer emergency service personnel shall receive only such compensation provided for by district bylaws or administrative rules in these cases, and all such emergency services personnel shall be entitled to all benefits of any pension fund, in the same manner as if the provision of emergency services had been within the limits of the district.*

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 75A IS CREATED TO READ AS FOLLOWS:

*The trustees of the district wherein water pipes have been constructed and are maintained in the public ways thereof may by resolution duly adopted cause the erection of fire hydrants and attachments to the water pipes in the public ways, after the trustees have made a written contract for water to be furnished for use in the hydrants. The cost of the erection and attachments shall be apportioned by the trustees against the owners of the property fronting the public ways in which the fire hydrants are erected, by any equitable mode of apportionment which the board prescribes in the resolution ordering the erection of the fire hydrants and a lien shall exist against the property against which the apportionment runs for the cost of the improvement in the amount of the apportionment and interest thereon at the rate of six percent (6%) per annum. The lien is enforceable by proceedings in court. The erection and installation of fire hydrants may be under contract let to the lowest and best bidder after advertisement by publication pursuant to KRS Chapter 424.*

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 75A IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, unless the context requires otherwise:*
  - (a) *"Board" means the board of trustees a consolidated emergency services district organized under Sections 1 to 14 of this Act;*
  - (b) *"Chairman" means the chairman of the board of a consolidated emergency services district organized under Sections 1 to 14 of this Act;*
  - (c) *"Chief" means the chief of the consolidated emergency services district organized under Sections 1 to 14 of this Act;*

- (d) *"Consolidated Emergency Services District" means districts organized under Sections 1 to 14 of this Act;*
  - (e) *"Dismissal" means the discharge of an employee by lawful authority;*
  - (f) *"Employees" means all persons employed, and paid wages, salary, or other compensation for emergency services performed, by the board of trustees of a consolidated emergency services district organized under Sections 1 to 14 of this Act. The term "employees" does not include any individual who is a volunteer as defined in paragraph (n) of this subsection.*
  - (g) *"Member" shall include the chief and all officers; all providers of emergency services, including volunteer, paid, regular, and all employees, or special firefighters; of a consolidated emergency services district organized under Sections 1 to 14 of this Act;*
  - (h) *"Paid emergency service worker" means all personnel who are employees of the consolidated emergency services district organized under Sections 1 to 14 of this Act involved in the provision of emergency medical services subject to the licensure provisions of KRS Chapter 311A or the provision of rescue services pursuant to KRS Chapter 39F;*
  - (i) *"Paid firefighters" means all firefighters who are employees of the consolidated emergency services district organized under Sections 1 to 14 of this Act;*
  - (j) *"Regular firefighters" means all firefighters who are members of a consolidated emergency services district organized under Sections 1 to 14 of this Act, except for special firefighters appointed by the chairman of the board of trustees pursuant to KRS 75.110;*
  - (k) *"Salary" and "wages" mean any compensation received by an employee by reason of his employment for services performed for a consolidated emergency services district organized under Sections 1 to 14 of this Act;*
  - (l) *"Suspension" means the separation of an employee from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure;*
  - (m) *"Trustees" means the board of trustees of a consolidated emergency services district organized under Sections 1 to 14 of this Act; and*
  - (n) *"Volunteer" means any person who is a member of a consolidated emergency services district organized under this Act who volunteers to provide services for the district, if the individual receives no salary, wages, or other compensation for services performed, or if the individual is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered, and the services are not the same type of services which the individual is employed to perform for the consolidated emergency services district organized under Sections 1 to 14 of this Act.*
- (2) (a) *The chairman may, if in his or her discretion there is a case of need, appoint special firefighters to do special duties at any place within the limits of the consolidated emergency services district, on terms he or she deems proper.*
  - (b) *These special firefighters shall be governed by rules as the board may provide, and be given the powers the board may provide, including the powers enumerated in KRS 75.160 in the discretion of the board; if rules are not provided they shall be deemed to have the powers and duties of regular firefighters.*
- (3) (a) *Except as provided in subsection (4) of this section no member or employee of a consolidated emergency services district shall be reprimanded, dismissed, suspended, or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination, or violation of law or of the rules adopted by the board the district, and only after charges are preferred and a hearing conducted as provided in this section.*
  - (b) *Any person may file charges against a member or employee of the district by filing them with the secretary of the board and by delivering or mailing the charges to the principal offices of the district. The secretary shall immediately communicate the charges to the board by mailing or delivering a copy of the charges to each member of the board within seven (7) days of receipt of the charges at the principal fire house. The chairman shall, after conducting or having conducted any inquiry or investigation which may be necessary, determine if probable cause appears. The chairman shall prefer charges to the board against any member or employee, against whom probable cause exists, of*

*conduct justifying the dismissal or punishment of the member or employee. If probable cause does not exist, the chairman shall dismiss the charges. All charges shall be written and shall set out clearly the charges made. The person filing the charges may withdraw them at any time before the conclusion of the hearing. The charges may then be dismissed.*

- (c) *Charges preferred by the chairman shall be heard by either the full board or a committee consisting of at least three (3) members of the board appointed by the chairman. At the hearing all charges shall be considered, and the trial shall be confined to matters related to the issues presented. Within forty-five (45) days after the charges have been preferred by the chairman to the board, that body, or a committee consisting of at least three (3) members of the board appointed by the chairman, shall proceed to hear the charges. At least ten (10) days before the hearing the member or employee accused shall be served personally or by registered mail with a copy of the charges and a statement of the day, place, and hour at which the hearing of the charges will begin. The person accused may, in writing, waive the service of charges and demand trial within thirty (30) days after the charges are preferred to the board.*
- (d) *The board of the district may summon and compel attendance of witnesses at hearings by subpoena issued by the secretary of that body and served upon the witnesses by any officer authorized to serve court subpoenas. If any witness fails to appear in response to a summons, or refuses to testify concerning any matter on which he may lawfully be interrogated, any District Judge, on application of the board, may compel obedience by proceedings for contempt, as in the case of disobedience of a subpoena issued from the District Court. The member or employee accused may have subpoenaed any witnesses he or she may desire, upon furnishing their names to the secretary of the board. The written records of the charges, the hearing, if held, and any other actions or decisions of the board on the charges shall be kept as an open public record and maintained as required by KRS Chapter 61.*
- (e) *When the board or the chief of the district has probable cause to believe a member or employee of a district has been guilty of conduct justifying dismissal or punishment, the board or the chief may suspend the member or employee from duty or from both pay and duty, pending trial, and the member or employee shall not be placed on duty, or allowed pay, until the charges are heard. If the member is suspended, there shall be no continuances granted without the consent of the member or employee accused. If the member suspended is a paid firefighter or an employee, the hearing on the charges shall be conducted within fourteen (14) days after the charges have been preferred by the chairman of the board.*
- (f) *The board of the district shall fix the punishment of a member or employee of the district found guilty, by a reprimand, suspension for any length of time not to exceed six (6) months, by reducing the grade if the accused is an officer, or by combining any two (2) or more of those punishments, or by dismissal as a member or employee of the district.*
- (4) (a) *Any member or employee of the district found guilty by the board of the district of any charge, as provided by KRS 75.130, may appeal to the Circuit Court of the county in which the district is located, but the enforcement of the judgment of the district shall not be suspended pending appeal. The notice of the appeal shall be filed not later than thirty (30) days after the date the board of the district makes its determination on the charge.*
- (b) *Upon request of the accused, the secretary of the board shall file a certified copy of the charges and the judgment of the board in the Circuit Court. Upon the transcript being filed, the case shall be docketed in the Circuit Court and tried as an original action.*
- (c) *If the secretary of the board fails to certify the transcript to the Circuit Court within thirty (30) days after the request is made, the party aggrieved may file an affidavit in the Circuit Court setting out as fully as possible the charges made, the time of the hearing, and the judgment of the board, together with a statement that demand for transcript was made upon the secretary of the board more than thirty (30) days before the filing of the affidavit. Upon the filing of the affidavit in the Circuit Court, the case shall be docketed and the Circuit Court may compel the filing of the transcript by the secretary of the board by entering the proper mandatory order, and by fine and imprisonment for contempt. The appeal shall have precedence over other business, and be determined speedily.*
- (d) *An appeal will lie from the judgment of the Circuit Court to the Court of Appeals as in other cases.*



- (5) (a) *No person shall be appointed a member of the district on account of any political service, contribution, sentiment, or affiliation. No member shall be dismissed, suspended, or reduced in grade or pay for any political opinion.*
- (b) *Members and employees of the district, while off duty and out of uniform, shall be entitled to:*
1. *Place political bumper stickers on their privately owned vehicles;*
  2. *Wear political buttons;*
  3. *Contribute money to political parties, political candidates, and political groups of their choice;*
  4. *Work at the polls on election days;*
  5. *Aid in the registration or purgation of voters;*
  6. *Become members of political groups; and*
  7. *Hold office in political groups and carry out the mandates of that group.*
- (6) (a) *The chief in the district shall attend all sessions of the board, except executive sessions, and shall execute all the orders of the board. Whenever "chief" is used in Sections 1 to 14 of this Act, it shall include the assistant chief when the chief is not on duty.*
- (b) *The regular members of the district, except volunteer members, shall have the same powers of arrest as now given by law to sheriffs of this Commonwealth and they are hereby expressly declared conservators of the public peace whose duties, in addition to their other prescribed duties, are to conserve the peace, enforce all laws and preserve order, and they shall have and are hereby expressly given the same right and the same power to arrest, search, and seize as is now given by law to sheriffs of this Commonwealth, and they shall be at all times subject to the orders of the county judge/executive in which the district lies while enforcing this section. Provided, however, that members of these fire departments shall not have the power to serve subpoenas, summonses, and notices in civil cases and they shall receive no fees for performing any of the duties prescribed in this section as pertains to powers of law enforcement. The members shall constitute a law enforcement agency in addition to the patrol and investigation functions of the sheriff and his deputies under KRS 75.150 to 75.170.*
- (7) (a) *Each member of the district shall, before entering upon the discharge of his or her various duties, take an oath before the county judge/executive of the county or a notary public, to faithfully discharge his duties, and the oath shall be subscribed by the person taking it and filed in the minute book kept by the secretary of the board.*
- (b) *Each member of the district shall give such bond as the board may designate and with a surety as required by the board conditioned upon faithful performance of the member's duties.*
- (8) (a) *The chief, assistant chief, or highest officer present at the fires answered by his or department shall investigate their causes. He or she may examine witnesses, compel the testimony of witnesses, administer oaths, compel production of evidence, and make arrests as provided in KRS 75.160. He or she may enter any building at all reasonable times for the purpose of examining the building if, in his or her opinion the building is in danger of fire. He shall report his or her findings, when requested, to the board, Kentucky Inspection Bureau, and state fire marshal.*
- (b) *The chief of the district shall direct and control the operation of the district and the control of the members in the discharge of their duties. He or she, and members of the district, shall have access to and the use of all cisterns, fireplugs, the waters of the waterworks of private persons and cisterns of private persons for the purpose of extinguishing fires and shall have the power to examine these water supplies at all reasonable times to see that they are in condition for use in case of fire. The chief shall have control of all hoses, buildings, engines, and other emergency equipment provided for the district under direction of the board, or those authorized by the board to exercise this direction, and shall perform such other duties prescribed by the board not inconsistent with law. Upon application within ten (10) days to the board, any owner of property where water is used for firefighting or the provision of other emergency services shall be reimbursed in a reasonable amount by the board for water used.*

- (9) *The secretary of the board shall keep a minute book, appropriately bound and marked, in which the minutes of each meeting of the board shall be kept, together with all resolutions, tax levies, and other important material the board may designate. A copy of all material required to be kept by the secretary, shall be kept on file in the office of the clerk of the county containing the district. The public shall have the right to inspect the book and its contents at all times.*
- (10) (a) *The board may, in its discretion, employ or retain a regularly licensed attorney to advise them on all matters pertaining to their duties and shall have the discretion to delegate this authority to the attorney. This attorney shall attend all meetings of the board, except executive sessions when the board does not desire his or her presence, whenever the board shall request him or her to attend and shall advise the board on all legal matters on which he or she is requested to give advice.*
- (b) *In addition to the attorney provided for in this subsection, the county attorney in the county in which the district lies shall advise and represent the board in all matters and on the occasions chosen by the board whenever the board so requests.*
- (c) *The board may fix the salary or compensation of the attorney provided for in subsection (1) of this section, in their discretion.*
- (11) *With respect to audits and financial reports, the board of the district shall follow the procedures of KRS 65.065.*

➔SECTION 13. A NEW SECTION OF KRS CHAPTER 75A IS CREATED TO READ AS FOLLOWS:

*The method for dissolving a consolidated emergency services district shall be in accordance with the following:*

- (1) (a) *Persons desiring to dissolve a consolidated emergency services district shall present a petition to the fiscal court clerk and to each member of the fiscal court, meeting the criteria of KRS 65.184, and signed by a number of registered voters equal to or greater than twenty-five percent (25%) of an average of the voters living in the proposed taxing district and voting in the last four (4) general elections. At the time of its submission to fiscal court, each petition shall be a form showing justification or information as set out in this paragraph:*
1. *Justification for the dissolution of a consolidated emergency services district, including but not limited to the location of nearby governmental and nongovernmental providers of like services; and*
  2. *Any additional information, which bears on the necessity of dissolution of a consolidated emergency services district.*
- (b) *A majority of the members of a fiscal court may vote to dissolve a consolidated emergency services district.*
- (2) *The fiscal court clerk shall notify all planning commissions, cities, and area development districts within whose jurisdiction the consolidated emergency services district is located and any state agencies required by law to be notified of the proposal to dissolve the consolidated emergency services district.*
- (3) *The fiscal court clerk shall schedule a hearing on the proposal for no earlier than thirty (30) nor later than ninety (90) days following receipt of the petition, and shall, in accordance with KRS Chapter 424, publish notice of the time and place of the public hearing.*
- (4) *At the public hearing, the fiscal court shall take testimony of interested parties and solicit the recommendations of any planning commission, area development district, or state agency meeting the criteria of subsection (2) of this section.*
- (5) *The fiscal court may extend the hearing, from time-to-time, for ninety (90) days from the date of the initial hearing and shall render a decision within thirty (30) days of the final adjournment of the hearing.*
- (6) *Following the hearing, the fiscal court shall set forth its written findings of fact and shall approve or disapprove the dissolution of the consolidated emergency services district.*
- (7) *The dissolution of the consolidated emergency services district shall be of legal effect only upon the adoption of an ordinance, in accordance with KRS 67.075 and 67.077, dissolving the consolidated emergency services district, and compliance with the requirements of KRS 65.005.*
- (8) *A certified copy of the ordinance dissolving the emergency services district shall be filed with the county clerk.*

- (9) *The territory of the former consolidated emergency services district shall become special taxing districts until the indebtedness has been relieved.*

➔SECTION 14. A NEW SECTION OF KRS CHAPTER 75A IS CREATED TO READ AS FOLLOWS:

- (1) *If a majority of the entities that entered into a consolidated emergency service district were participating employers in the County Employees Retirement System, then the district shall apply to become a participating member in the County Employees Retirement System in accordance with KRS 78.530.*
- (2) *If the district is not required to apply to participate in the County Employees Retirement System as provided for by subsection (1) of this section or does not voluntarily apply to participate in the County Employees Retirement System as provided by KRS 78.530, the following shall apply:*
- (a) *Any employee who was participating in the County Employees Retirement System through an entity that is entering into or petitioning to join in a consolidated emergency services district, shall, provided the employee participating in the system through the entity immediately prior to the entity joining the district, remain a participating employee in the County Employees Retirement System in the existing classification of retirement tier and hazardous duty classification for the remainder of his or her employment with the district as provided by KRS 78.510 to 78.852; and*
- (b) *For the purposes of this subsection, the district shall be considered a participating employer of the County Employees Retirement System, but only for those employees described by paragraph (a) of this subsection.*

➔Section 15. KRS 65.180 is amended to read as follows:

As used in KRS 65.182 to 65.190, unless the context otherwise requires, the word "taxing district" shall mean, and the provisions of KRS 65.182 to 65.190 shall apply to, any special district authorized by statute to levy ad valorem taxes within the meaning of Section 157 of the Constitution of Kentucky or to levy ad valorem taxes under the provisions of KRS 68.602 and governed by the following statutes: KRS 65.182, 75.010 to 75.260, *Sections 1 to 14 of this Act*, 107.310 to 107.500, 108.080 to 108.180, 109.115 to 109.190, 173.450 to 173.650, 173.710 to 173.800, 179.700 to 179.990, 212.720 to 212.755, 216.310 to 216.360, 266.010 to 266.990, and 268.010 to 268.990.

➔Section 16. KRS 75.020 is amended to read as follows:

- (1) (a) The territorial limits of an established fire protection district, or a volunteer fire department district, as established under KRS 75.010 to 75.080, may be enlarged or diminished in the following way: The trustees of the fire protection district or of the volunteer fire department district shall file a petition in the county clerk's office of the county in which that district and the territory to be annexed or stricken off, or the greater part thereof, is located, describing the territory to be annexed or stricken and setting out the reasons therefor. Notice of the filing of such petition shall be given by publication as provided for in KRS Chapter 424. On the day fixed in the notice, the county judge/executive shall, if the proper notice has been given, and the publication made, and no written objection or remonstrance is interposed enter an order annexing or striking off the territory described in the petition. Fifty-one percent (51%) or more of the freeholders of the territory sought to be annexed or stricken off may, at any time before the date fixed in the notice, remonstrate in writing, filed in the clerk's office, to the action proposed. If such written remonstrance is filed, the clerk shall promptly give notice to the trustees of the fire protection district, or of the volunteer fire department district, and the county judge/executive shall hear and determine the same. If upon such hearing, the county judge/executive finds from the evidence that a failure to annex or strike off such territory will materially retard the functioning of the fire protection district or the volunteer fire department district and materially affect adversely the owners and the inhabitants of the territory sought to be annexed or stricken off, he or she shall enter an order, granting the annexation or striking off the territory. In the latter event, no new petition to annex or strike off all or any part of the same territory shall be entertained for a period of two (2) years. Any aggrieved person may bring an action in Circuit Court to contest the decision of the county judge/executive.
- (b) In addition to the provisions of paragraph (a) of this subsection, if the trustees of a fire protection district or a volunteer fire department district, as established under KRS 75.010 to 75.080, are seeking to expand territory into an area served by a fire department created under KRS Chapter 273 and certified under KRS 75.400 to 75.460 or an area that is not contained within the boundaries of the city, but is being served by a city government, then the trustees shall, prior to executing the provisions of paragraph (a) of this subsection, enter into a written agreement with the fire chief and the board of the fire department created under KRS Chapter 273 or with the city government providing fire protection

services to the area proposed to be annexed. The agreement shall establish the proposed new boundary as it applies to the fire department created under KRS Chapter 273 or to the area being served by the city fire department. On the day the agreement is finalized, the trustees of the district shall send by certified mail, return receipt requested, or have personally delivered a copy of the agreement to the county judge/executive of the county containing the territory subject to the expansion. The notice required in paragraph (a) of this subsection shall, in lieu of the applicable publication requirements set out in KRS Chapter 424, be published at least once a week, for a minimum of two (2) weeks. The last publication shall occur no less than seven (7) days before the date fixed in the notice.

- (c) If the trustees approach the fire chief and board of the fire department created under KRS Chapter 273 or the city government in the manner authorized in paragraph (b) of this subsection and are unable to reach an agreement within thirty (30) days, the trustees, or any real property holder of the territory subject to the annexation, may directly seek permission from the real property holders of that territory to continue with the annexation procedure set out in paragraphs (a) and (b) of this subsection by circulating a petition and securing the signatures of at least fifty-one percent (51%) of the real property holders within that territory. The petition shall include the residential address of the signer and the date of the signature. The petition shall be certified by the county clerk if the clerk finds the petition sufficient in form and requisite amount of signatures.
- (2) The property in any territory annexed to a fire protection district or to a volunteer fire department district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the fire protection district or the volunteer fire department district prior to the date of the annexation of such territory, except such indebtedness as represents the balance owing on the purchase price of firefighting equipment. The property in any territory stricken off from a fire protection district or a volunteer fire department district by the incorporation of or annexation by a city of this Commonwealth shall not be relieved of liability of such taxes as may be necessary to pay its proportionate share of the indebtedness incurred while such territory was a part of that district. Territories stricken by action of the county judge/executive under the provisions of subsection (1) shall be relieved of liability for all indebtedness incurred by the fire protection district or the volunteer fire department district.
- (3) Any city that maintains a "regular fire department," and has either by incorporation or annexation caused property to be stricken from a fire protection district or a volunteer fire department district, shall comply with KRS 75.022(3).
- (4) A fire protection district or volunteer fire department district established pursuant to KRS 75.010 to 75.080 shall not expand its service boundaries or annex territory contained in another fire protection district or volunteer fire department district established pursuant to KRS 75.010 to 75.080. However, the territorial limits of two (2) or more fire protection districts, or volunteer fire department districts, as established by KRS 75.010 to 75.080, may be merged into one (1) fire protection district or volunteer fire department district as follows:
  - (a) The trustees of each fire protection district or volunteer fire department district shall file a joint petition in the county clerk's office of the county in which all of the districts and the territory to be merged into one (1) district, or the greater part of the district, is located, describing the territory to be merged into the district and setting out the reasons for the merger;
  - (b) Notice of the filing of the petition shall be given by publication as provided in KRS Chapter 424 for public notices;
  - (c) On the day fixed in the notice, the county judge/executive shall, if proper notice by publication has been given, and no written objection or remonstrance has been made, enter an order merging the fire protection districts or volunteer fire department districts described in the petition;
  - (d) Fifty-one percent (51%) or more of the property owners of the territory sought to be merged into one (1) district may, at any time before the date fixed in the notice, remonstrate by written petition to the county clerk regarding their objection to the merger of the districts. If a petition is filed, the county clerk shall give prompt notice to the trustees of the fire protection districts or the volunteer fire protection districts and the county judge/executive;
  - (e) The county judge/executive shall schedule a hearing regarding the petition and shall give public notice as to the date, time, and place of the hearing. If after the hearing, the county judge/executive finds from the evidence that a failure to merge the territory will materially retard the functioning of the fire protection districts or volunteer fire department districts and materially affect adversely the owners and

the inhabitants of the territory sought to be merged, he or she shall enter an order granting the merger of the districts into one (1) fire protection district or volunteer fire department district; and

- (f) Any aggrieved person may bring an action in Circuit Court to contest the decision of the county judge/executive regarding the merger fire protection districts or volunteer fire department districts.
- (5) ***In addition to the merger provisions of subsection (4) of this section, fire protection districts established pursuant to KRS 75.010 to 75.080 may also merge pursuant to Sections 1 to 14 of this Act.***
- (6) The property in any fire protection district or volunteer fire department district which is merged with another fire protection district or volunteer fire department district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the other fire protection district or volunteer fire department district prior to the date of the merger into one (1) fire protection district, except indebtedness which represents a balance owed on the purchase price of firefighting equipment from the other fire protection district or volunteer fire department district.
- ~~(7)(6)~~ Fire protection districts or volunteer fire department districts that modify service area boundaries by taking any action authorized under this section shall update their service area boundary maps and file them in the manner required by KRS 75.420.

➔Section 17. KRS 78.530 (Effective April 1, 2021) is amended to read as follows:

- (1) (a) Each county and school board, as defined in KRS 78.510, will participate in the system by appropriate order authorizing such participation which has been entered and duly recorded in the records of the governing body of the county or school board. In cases where general purpose county government does not participate, but the sheriff and his or her employees or the county clerk and his or her employees do, the sheriff or the clerk shall retain the order in his or her office. The authority to issue and properly record such order of participation being hereby granted, permits such county to participate in the system. The effective date of such participation shall be fixed in the order.
- (b) Notwithstanding any statute to the contrary, after April 9, 2002, the systems shall deny the request for participation of any agency which does not have an irrevocable contract with the state Personnel Cabinet for health insurance coverage under KRS 18A.225 to 18A.229 for its active employees, except that:
1. County governments entering the system between April 9, 2002, and July 1, 2003, under this section shall be excluded from this requirement;~~and~~
  2. Agencies entering the system on or after April 9, 2002, which were established by a merger or an interlocal agreement to provide public services shall be excluded from this requirement if ~~any~~ ***any*** agencies entering into the merger or interlocal agreement had an initial participation date with the system prior to April 9, 2002; ***and***
  3. ***Any consolidated emergency services district.***
- (2) Once a county or school board participates, it shall thereafter continue to participate, except as provided in KRS 78.535.
- (3) (a) Concurrent with the adoption of the appropriate resolution to participate in the system, a county may elect the alternate participation plan which will require the county to purchase on behalf of each employee electing coverage, at the time the county elected to participate in the system as provided under KRS 78.540(1)(b) and (c), current service credit for employment in regular full-time positions between July 1, 1958, and the participation date of the county. Cities which participate in the system pursuant to subsection (6) of this section, KRS 79.080, 90.400, 90.410, 95.520, 95.621, 95.761, 95.768, 95.852, or 96.180 shall be required to purchase on behalf of each employee electing coverage only as much service credit as the employee has accumulated in the city-administered plan, up to the participation date of the city. Accumulated service shall include service for which an employee received a refund pursuant to KRS 95.620 or 95.866, if such refund has been repaid. If the employee has not yet repaid the refund, he may make payment to the system by any method acceptable to the system, and the requirement of five (5) years of continuous reemployment prior to repayment of refunds shall not apply. Upon the employee's repayment, the city shall purchase the associated service credit for the employee. Cost of such service credit over and above that which would be funded within the existing employer contribution rate shall be determined by the board's consulting actuary. The expense of such actuarial service shall be paid by the county.

- (b) The county shall establish a payment schedule subject to approval by the board for payment of the cost of such service over and above that which would be funded within the existing employer contribution rate. The maximum period allowed in a payment schedule shall be thirty (30) years, with interest at the rate actuarially assumed by the board. A shorter period is desirable and the board may approve any payment schedule provided it is not longer than a thirty (30) year period, except that cities which participate in the system pursuant to subsection (6) of this section, KRS 79.080, 90.400, 90.410, 95.520, 95.621, 95.761, 95.768, 95.852, or 96.180 may, at their option, extend the payment schedule to a maximum of thirty (30) years, may choose to make level payments at the interest rate actuarially assumed by the board over the life of the payment schedule chosen, and may retain employer contributions and the earnings thereon attributable to employees electing coverage.
- (c) A city entering the system under the alternate participation plan, may, by ordinance, levy a special property tax to pay for current service credit purchased for the period between July 1, 1958, and the participation date of the city. The special tax shall be to pay, within a period of no more than fifteen (15) years, for the cost of such service credit over that which would be funded within the existing employer contribution rate, as determined by the board's consulting actuary. The reason for levying the special tax and the disposition of the proceeds shall be part of the ordinance levying the tax. The special tax shall be rescinded when the unfunded prior service liability has been amortized, and shall not be subject to the provisions of KRS 132.017 or 132.027. In addition, the city may maintain any tax, the proceeds of which had been devoted to funding pension obligations under the locally administered plan prior to participation in the system, for the purpose of funding current service costs incurred after the date of participation. The city may increase the tax to pay current service costs which exceed the local pension system costs to which the tax had been devoted, but the city shall not collect from the tax more revenues than are necessary to pay current service costs incurred after the date of participation. The city may continue the tax so long as it participates in the system, and the tax shall not be subject to the provisions of KRS 132.017 or 132.027. The city shall not collect either tax authorized by this paragraph if its participation has been terminated pursuant to KRS 78.535.
- (d) The county may at a later date purchase current service credit from July 1, 1958, to the participation date of the county by alternate participation plan for those employees who rejected membership in the system at the time the county first participated. In addition, the employer shall pay the employer contributions on the creditable compensation of the employees who later elect membership from the participation date of the county to the date the member elects participation. The employee shall pay the employee contributions on his or her creditable compensation from the participation date of the county to the date he or she elects membership plus interest at the current actuarial rate compounded annually on the employee and employer contributions. Cost of the service credit over and above that which would be funded within the existing employer contribution rate shall be determined by the board's consulting actuary. The expense of the actuarial service shall be paid by the county. The county shall pay the cost of the service by lump sum or by adding it to the existing payment schedule established under paragraph (b) of this subsection.
- (e) A county which did not participate by alternate participation may, until July 1, 1991, purchase current service credit for those employees who rejected membership in the system at the time the county first participated. The employer shall pay the employer contributions on the creditable compensation of the employees who later elect membership from the participation date of the county to the date the member elects participation. The employee shall pay the employee contributions on his or her creditable compensation from the participation date of the county to the date he or she elects membership plus interest at the current actuarial rate compounded annually on the employee and employer contributions. The county shall pay the cost of the service credit by lump sum or by establishing a payment schedule under paragraph (b) of this subsection.
- (f) A county which participated in the system but did not elect the alternate participation plan may at a later date elect the alternate participation plan. In this case, the county shall purchase on behalf of each employee participating in the system current service credit for employment in regular full-time positions between July 1, 1958, or a later date selected by the county government, and the participation date of the county. The county shall also purchase, for employees who decide to participate when the county elects the alternate participation plan, current service credit for employment in regular full-time positions between July 1, 1958, or the later date selected by the county government, and the participation date of the county. In addition, the county shall pay the employer contributions on the creditable compensation of the employees who later elect membership from the participation date of the county to the date the member elects participation. The employee shall pay the employee contributions

on his or her creditable compensation from the participation date of the county to the date he or she elects membership plus interest at the current actuarial rate compounded annually on the employee and employer contributions. Cost of the service credit over that which would be funded within the existing employer contribution rate shall be determined by the board's consulting actuary. The expense of the actuarial service shall be paid by the county. The county shall pay the cost of the service by lump sum or by a payment schedule established under paragraph (b) of this subsection.

- (g) Notwithstanding any other provision of the Kentucky Revised Statutes to the contrary, this subsection shall not apply to members who begin participating in the system on or after January 1, 2014, and no county that elects to participate in the system on or after January 1, 2014, shall be eligible to participate under the alternate participation plan.
- (4) Every school board not participating on June 21, 1974, shall enact a resolution of participation no later than July 1, 1976.
- (5) The order of the governing body of a county, as provided for in subsection (1) of this section, may exclude from participation in the system hospitals and any other semi-independent agency. Each such excluded agency shall be identified in the order authorizing participation and such excluded agency may participate in the system as a separate agency.
- (6) (a) After August 1, 1988, except as permitted by KRS 65.156, no local government retirement system shall be created pursuant to KRS 70.580 to 70.598 and any local government retirement systems created pursuant to KRS 79.080, 90.400, 90.410, 95.768, and KRS Chapter 96 shall be closed to new members. New employees who would have been granted membership in such retirement systems shall instead be granted membership in the County Employees Retirement System. Employees who would have been granted membership in retirement systems created pursuant to KRS 95.768, or any other policemen or firefighters who would have been granted membership in retirement systems created pursuant to KRS 79.080, 90.400, or 90.410, or any such policemen or firefighter members employed on or prior to August 1, 1988, who transfer to the County Employees Retirement System, shall be certified by their employers as working in hazardous positions. Each city participating in the County Employees Retirement System pursuant to this subsection shall execute the appropriate order authorizing such participation, shall select the alternate participation plan as described in subsection (3) of this section, and shall pay for the actuarial services necessary to determine the additional costs of alternate participation. Cities which closed their local pension systems to new members and participated in the system prior to July 15, 1988, whose employees at the time of transition were given the option to join the system shall not be required to offer said employees a second option to join the system.
- (b) Notwithstanding any statute to the contrary, after April 9, 2002, the system shall deny the request for participation of any agency which does not have an irrevocable contract with the state Personnel Cabinet for health insurance coverage under KRS 18A.225 to 18A.229 for its active employees, except that agencies entering the system on or after April 9, 2002, which were established by a merger or an interlocal agreement to provide public services shall be excluded from this requirement if all agencies entering into the merger or interlocal agreement had an initial participation date with the system prior to April 9, 2002.
- (7) Any city which closed a police and firefighter pension plan to new members between January 1, 1988, and July 15, 1988, and participated in the system under the alternate participation plan shall, if its police and firefighters were not covered by Social Security, or any city which operates a pension under KRS 90.400 or 90.410, shall be required to certify that its police and firefighters are working in hazardous positions, and shall offer its police and firefighters in service at the time of entry a second option to participate under hazardous duty coverage if they were not offered hazardous duty coverage at the time of their first option. The provisions of subsection (3)(b) of this section notwithstanding, a city affected by this subsection may, at its option, extend its payment schedule to the County Employees Retirement System for alternate participation to thirty (30) years at the rate actuarially assumed by the board.

➔Section 18. KRS 95A.500 is amended to read as follows:

- (1) If two (2) or more volunteer fire departments merge under the provisions of KRS 95A.500 to 95A.560 after January 1, 2000, and each is qualified to receive the volunteer fire department aid under KRS 95A.262(2) at the time of merger, then the volunteer fire department aid shall be disbursed according to the provisions of KRS 95A.500 to 95A.560 as long as the resulting district remains qualified to receive the volunteer fire department aid.

- (2) *The provisions of KRS 95A.500 to 95A.560 shall apply to any volunteer fire departments formed under KRS Chapter 75 or 273 which merge into a consolidated emergency services district pursuant to Sections 1 to 14 of this Act. The consolidated emergency services district shall receive the qualified shares as if it were a volunteer fire district.*

➔Section 19. KRS 134.119 is amended to read as follows:

- (1) (a) The sheriff shall be the collector of all state, county, county school district, and other taxing district property taxes unless the payment is directed by law to be made to some other person. The sheriff may contract to collect taxes on behalf of cities, independent school districts, or any other governmental unit with the authority to levy a property tax, if the enabling legislation authorizing imposition of the tax permits the governmental unit to contract for the performance of tax collection duties.
- (b) The provisions of this chapter relating to the collection of property taxes shall apply to other property tax collectors to the extent that the governing body of the city, school district, or taxing district appointing the tax collector has not adopted alternative tax collection processes and procedures.
- (2) Payment to the sheriff may be provided by any commercially acceptable means. The sheriff may limit the acceptable methods of payment to those that ensure that payment cannot be reversed or nullified due to insufficient funds.
- (3) (a) 1. The sheriff shall accept payment from the day on which the tax bills are mailed by the sheriff to the taxpayer as provided in KRS 133.220 and 133.230, through the day on which the sheriff files the uncollected tax claims with the county clerk pursuant to KRS 134.122. During this time period, the sheriff may accept full or partial payment for any outstanding taxes or tax claims.
2. a. Any payments received by the sheriff by mail that:
- i. Are received after the day on which uncollected tax claims are filed with the county clerk pursuant to KRS 134.122; and
  - ii. Have a postmark that reflects a date on or before the day the uncollected tax claims are filed with the county clerk;
- shall be accepted and processed, and the amount due shall be the amount due immediately before the transfer of the uncollected tax claims by the sheriff to the county clerk.
- b. Payments described in this subparagraph may be processed as agreed by the sheriff and county clerk.
  - c. Absent an agreement between the sheriff and the county clerk, the payment shall be accepted and processed by the sheriff.
  - d. If the sheriff accepts and processes the payment, the sheriff shall notify the county clerk, and the county clerk shall update his or her records to reflect payment of the certificate of delinquency.
  - e. The sheriff and the county clerk shall reconcile all transactions addressed by this subparagraph by preparation of an addendum to the original reconciliation provided by the sheriff to the county clerk at the time of transfer. The addendum shall be prepared thirty (30) days after the original transfer, and shall be filed by the county clerk in the clerk's order book.
- (b) All payments received by the sheriff shall be entered immediately by the sheriff on his or her books. Partial payments shall be credited against the total amount due and shall be apportioned by the sheriff among the entities included on the tax bill in the same proportion the amount due to each bears to the amount paid.
- (c) The acceptance of any payment before the taxpayer's tax liability has been finally determined shall not imply that the payment was the correct amount due and shall not preclude the assessment and collection of additional taxes due or the refund of any part of the amount paid that is in excess of the amount determined to be due.
- (d) The sheriff may accept payment of any tax or tax claim from any other person on behalf of the taxpayer. Any person making a payment on behalf of a taxpayer may, upon the written notarized request of the taxpayer, be treated as a transferee as provided in KRS 134.121.



- (e) The sheriff may accept payment of any amount due on a delinquent tax claim from any of the persons described in subparagraphs 1., 2., and 3. of this paragraph without permission of the taxpayer. The person seeking to make the payment shall provide sufficient proof to the sheriff that he or she meets the requirements to pay under this paragraph. The sheriff shall be held harmless if he or she relies upon information provided and accepts payment from a person not qualified to pay under this paragraph. Any person listed in subparagraph 1., 2., or 3. of this paragraph who makes full payment, may, upon written request to the sheriff, be treated as a transferee under KRS 134.121:
1. Any person holding a legal or equitable estate in the real or personal property upon which the delinquent taxes are due, other than a person whose only interest in the property is a lien resulting from ownership of a prior year certificate of delinquency;
  2. A tenant or lawful occupant of real property, or a bailee or person in possession of any personal property upon which the delinquent taxes are due; or
  3. Any person having a mortgage on real property or a security interest in real or personal property upon which the delinquent taxes are due.
- (4) If, upon expiration of the five percent (5%) penalty period established by KRS 134.015(2)(c), the real property tax delinquencies of a sheriff exceed fifteen percent (15%) of the amount charged to the sheriff for collection, the department may require the sheriff to make additional reasonable collection efforts. If the sheriff fails to initiate additional reasonable collection efforts within fifteen (15) business days following notification from the department that such efforts shall be made, the department may assume responsibility for collecting the delinquent taxes. If the department assumes the responsibility for collecting delinquent taxes, the department shall receive the amounts that would otherwise be paid to the sheriff as fees or commissions for the collection of tax bills.
- (5) In collecting delinquent taxes, the sheriff:
- (a) May distraint and sell personal property owned by a delinquent taxpayer in the amount necessary to satisfy the delinquent tax claim. The sale shall be made under execution for cash. If the personal property of the delinquent taxpayer within the county is not sufficient to satisfy the delinquent tax claim, the sheriff may sell so much of the personal property as is available; and
  - (b) Shall retain any amounts that come into his or her possession payable to a delinquent taxpayer, other than claims allowed for attendance as a witness, and shall apply such amounts to the amount due on the delinquent tax claim.
- (6) (a) As compensation for collecting property taxes the sheriff shall be paid the following amounts, regardless of whether the amounts are collected by the sheriff prior to filing the tax claims with the county clerk, or by the county clerk after the tax claims become certificates of delinquency or personal property certificates of delinquency:
1. From the Commonwealth the sheriff shall be paid four and one-quarter percent (4.25%) of the amount collected on behalf of the Commonwealth;
  2. From counties the sheriff shall be paid four and one-quarter percent (4.25%) of the amount collected on behalf of the counties;
  3. The sheriff shall be compensated as provided by law or as negotiated if negotiation is permitted by law, for collecting taxes on behalf of any taxing district;
  4. The sheriff shall be compensated as provided in KRS 160.500 for collecting school district taxes;~~and~~
  5. The sheriff shall be compensated as provided in KRS 91A.070 for collecting taxes on behalf of any city; *and*
  6. ***The sheriff shall be compensated as provided in Section 5 of this Act for collecting taxes on behalf of any consolidated emergency services district.***
- (b) The sheriff shall include the amounts he or she is entitled to under the provisions of paragraph (a) of this subsection as part of the delinquent tax claims filed with the county clerk. The amount so included shall become a part of the certificate of delinquency, and shall be paid by the person paying the certificate of delinquency rather than the taxing jurisdiction for which the taxes were collected.

- (7) As additional compensation for the collection of delinquent taxes, the sheriff shall be entitled to an amount equal to ten percent (10%) of the total taxes due plus ten percent (10%) of the ten percent (10%) penalty for all delinquent taxes. This fee shall be added to the total amount due, and shall be paid by the person paying the tax claim if payment is made to the sheriff, or the certificate of delinquency or personal property certificate of delinquency if payment is made after the tax claim has been filed with the county clerk.
- (8) If, in the process of collecting property taxes, the sheriff becomes aware of a new address for a taxpayer, the sheriff shall provide, on a form provided by the department, the information relating to the new address to the property valuation administrator, who shall update his or her records to reflect the new address.

**Signed by Governor March 25, 2021.**