

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police
(Amendment)

502 KAR 45:105. Appointment.

RELATES TO: KRS 16.050

STATUTORY AUTHORITY: KRS 16.050, 16.080, 16.140(11)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 16.050 authorizes the Commissioner of the Department of State Police to appoint persons as officers as necessary for the efficient administration of the department. KRS 16.050 directs appointments to vacancies to be made from lists of applicants eligible for appointment~~[eligibles]~~. This administrative regulation establishes the method of appointment.

Section 1. The commissioner in his discretion shall determine, based on the needs of the department, projected attrition, available funding, and ~~[authorized strength levels,]~~ the number of candidates to be offered employment as cadet troopers. This offer of employment shall be subject to the condition that the candidate submits to a medical and psychological examination and is found fit to perform safely the essential job tasks of a trooper ~~[an officer]~~, with or without reasonable accommodation.

Section 2. Candidates who are offered employment as cadet troopers shall be required to undergo training at the Kentucky State Police Academy prior to appointment as troopers ~~[officers]~~. During the training period, a cadet trooper may be dismissed at any time, with or without cause.

Section 3. Cadet troopers who successfully complete academy training shall be appointed as troopers ~~[officers]~~ and given the constitutional oath of office. Troopers ~~[Officers]~~ shall be on probation for a period of one (1) year from and after the date of appointment, and may be dismissed from employment at any time during the probationary period, with or without cause, pursuant to KRS 16.140(11).

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 25, 2021 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 2:00 p.m. on November 23, 2021 at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email amy.barker@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the method of appointment, by the commissioner, by which cadet troopers shall be selected.

(b) The necessity of this administrative regulation: This regulation is necessary to establish a consistent method of appointment; while noting the discretion that belongs to the commissioner.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to the authorizing statutes by establishing what the commissioner is to consider in appointing applicants as cadets troopers.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the administration of the statutes by establishing how cadet troopers are appointed for efficient administration of the department.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment reflects an additional statute as authority, which describes how a cadet trooper may be dismissed during the probationary period with or without cause.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary in order to reflect the proper statutory authority that relates to the regulation.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment reflects an additional statute as authority, as it is cited within the text of the regulation.

(d) How the amendment will assist in the effective administration of the statutes: The regulation now cites to the appropriate statute(s).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky State Police, persons appointed as cadet troopers.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No new actions must be taken on behalf of the regulated entities.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing.

(c) As a result of compliance, what benefits will accrue to the entities: The amendment only reflects an additional statute as authority, as it is cited within the text of the regulation.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Nothing.

(b) On a continuing basis: Nothing.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment of this regulation does not establish any new fees or increase any current fees, directly or indirectly.

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky State Police, persons appointed as cadet troopers.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 16.050, 16.080, 16.140(11)

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Nothing.

(d) How much will it cost to administer this program for subsequent years? Nothing.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation: None.