

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Kentucky Fire Commission
(Amendment)

739 KAR 2:050. Volunteer fire department aid.

RELATES TO: KRS Chapter 75, 95A.262, 273.401

STATUTORY AUTHORITY: KRS 95A.050(3), 95A.055(13)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.055(13) requires the Commission to promulgate administrative regulations to implement KRS 75.430 and KRS 95A.055. This administrative regulation establishes requirements for volunteer fire departments aid.

Section 1. Definition. "Fire apparatus" means a motorized vehicle specifically designed to perform firefighting operations, with a minimum rated pump capacity of 750 gallons per minute (gpm), and which met or meets the associated National Fire Protection Association (NFPA) standard at the time of manufacture.

Section 2. Eligibility.

(1) To qualify for aid, a volunteer fire department shall meet the requirements established in KRS 95A.262 and submit to the commission proof of the required annual twenty (20) hours of recognized training for each firefighter by June 30.

(2) Even if all volunteer firefighters have not yet become certified volunteer firefighters, as defined by 739 KAR 2:060, a new fire department shall be eligible for aid if the fire department has:

- (a) Been recognized by the commission;
- (b) Been established for less than two (2) years;
- (c) A staff consisting of at least fifty (50) percent certified volunteer firefighters; and
- (d) Twelve (12) or more firefighters and a chief who have not qualified another fire department for volunteer department aid.

Section 3. Applying for Aid. The chief officer or the appointed representative of the department shall submit a Volunteer Fire Department State-Aid Application.

Section 4. Eligible Items and Report of Purchase.

(1) Funds may be used:

- (a) To purchase items such as firefighting and special operations equipment;
- (b) To purchase fire apparatus;
- (c) To purchase a fire station; or
- (d) For the maintenance or repair of a fire station.

(2)

~~(a)~~ Funds shall not be expended for ineligible items unless the commission receives a written request from the chief explaining the need for the items and the request is approved by the commission staff, in accordance with this section.

~~(b)~~ If the request is denied and the volunteer department does not desire to use the funds for approved items, the allotment shall be refunded to the commission.

(3) Each fire department receiving aid shall submit the State-Aid Report of Purchase form to the commission staff by September 30~~July 31~~ of the following year the aid was granted. Failure to do so shall disqualify the department from receiving aid the following year.

(a) The commission or its designee may make an inspection of the applicant's fire department to determine comparative needs within the department before making the allotment.

(b) The inspection may include an accounting to assure that equipment previously purchased is currently in the possession of the fire department.

Section 5. Holding of Funds.

(1)

~~(a)~~ If the approved allotment is insufficient to cover the cost of equipment or other approved purpose, the full aid granted for a fiscal year may be held by the fire department for a period not to exceed five (5) years from the initial granting of funds.

(a) ~~(b)~~ If the funds will be held, a written explanation for the holding request shall be submitted to the commission upon receiving the funds.

(b) ~~(c)~~ The funds shall be held in a special and separate bank account marked "Fire Department Aid Fund."

(2)

~~(a)~~ Upon the expenditure of funds, the chief or appointed representative shall submit the State-Aid Report of Purchase to the commission.

(a) ~~(b)~~ If the funds are used toward the retirement of a preexisting debt for purchase of land, buildings, or equipment, proof of the expenditure in the form of an affidavit or cancelled note shall be submitted to the commission.

(b) ~~(c)~~ An applicant who knowingly makes a false statement regarding volunteer fire department aid shall subject the grant to refund and prosecution for fraud.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Volunteer Fire Department State-Aid Application, 8/2017; and

(b) State-Aid Report of Purchase, 8/2017.

(2) This material may be inspected, copied, or obtained subject to applicable copyright law, at the Kentucky Fire Commission, 110 Cleveland Drive, Paris~~[118 James Court, Lexington]~~, Kentucky 40361~~[40505]~~, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the commission's Web site at: <https://kyfirecommission.kctcs.edu/>.

RICKY KING, Chair

APPROVED BY AGENCY: March 10, 2025

FILED WITH LRC: March 12, 2025 at 9:21 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 25, 2025, at 1:00 p.m. ET at the Kentucky Fire Commission, 110 Cleveland Drive, Paris, Kentucky 40361. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) 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 May 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: John K. Wood, Counsel for the Kentucky Fire Commission, 163 East Main Street, Suite 200, Lexington, Kentucky 40507, phone (859) 225-4714, email administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood

(1) Provide a brief summary of:

(a) What this administrative regulation does:

KRS 95A.055 requires the Commission to promulgate administrative regulations to implement KRS 75.430 and KRS 95A.055. This administrative regulation establishes requirements for volunteer fire department aid.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to establish procedures for volunteer fire department to request and receive financial aid.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation conforms to the content of KRS 75.430 and KRS 95A.055 by establishing the requirements for volunteer fire department aid.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

KRS 95A.055 requires the Commission to promulgate administrative regulations to implement KRS 75.430 and KRS 95A.055. This administrative regulation will assist in the effective administration of those statutes by establishing the requirements for volunteer fire department aid.

(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:

This amendment changes the deadline to for volunteer fire departments to submit a State-Aid Report of Purchase from July 31 of the following year the aid was granted, to September 30 of the following year the aid was granted.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to give volunteer fire departments more time to spend the financial aid received in the prior year.

(c) How the amendment conforms to the content of the authorizing statutes:

This amendment conforms to the content of KRS 75.430 and KRS 95A.055 by establishing requirements for volunteer fire department aid.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment will assist in the effective administration of KRS 75.430 and KRS 95A.055 by establishing requirements for volunteer fire department aid.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation will affect all volunteer fire departments.

(4) Provide an analysis of how the entities identified in question (3) 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 that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Volunteer fire department will need to submit to the Commission a State-Aid Report of Purchase by September 30 of the following year the aid was granted.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There will be no cost to any entity identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Volunteer fire department will have more time to spend state aid.

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

(a) Initially:

There will be no costs to the Commission in implementing this administrative regulation.

(b) On a continuing basis:

There will be no costs to the Commission in implementing this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Appropriations to the Commission through the Kentucky Community and Technical College System.

(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 in fees or funding will be necessary to implement this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This regulation does not establish any fees.

(9) TIERING: Is tiering applied?

Tiering is not applied to this administrative regulation because the amendment applies to all volunteer fire departments.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 95A.055 requires the Commission to promulgate administrative regulations to implement KRS 75.430 and KRS 95A.055. This administrative regulation establishes requirements for volunteer fire department aid.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

Kentucky Fire Commission

(a) Estimate the following for the first year:

Expenditures:None.

Revenues:None.

Cost Savings:None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

This amendment should not affect the Commission's expenditures, revenues, or costs.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

All volunteer fire departments.

(a) Estimate the following for the first year:

Expenditures:None.

Revenues:None

Cost Savings:None

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be no costs to affected entities.

(4) Identify additional regulated entities not listed in questions (2) or (3):

None.

(a) Estimate the following for the first year:

Expenditures:None

Revenues:None

Cost Savings:None

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be no costs to affected entities.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

No fiscal impact is anticipated as a result of this administrative regulation.

(b) Methodology and resources used to determine the fiscal impact:

No fiscal impact is anticipated as a result of this administrative regulation.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

This administrative regulation will not have an overall negative or adverse major economic impact to the affected entities.

(b) The methodology and resources used to reach this conclusion:

No fiscal impact is anticipated as a result of this administrative regulation.