

AN ACT relating to emergency responders.

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

➔Section 1. KRS 61.315 is amended to read as follows:

(1) As used in this section, *"emergency responder" means:*

(a) A law enforcement officer, which for purposes of this section includes every

peace officer as defined in KRS 446.010, including a deputy sheriff or

deputy constable, any~~["police officer" means every paid police officer,~~

~~sheriff, or deputy sheriff,]~~ corrections employee with the power of a peace

officer pursuant to KRS 196.037, any metropolitan or urban-county

correctional officer with the power of a peace officer pursuant to KRS

446.010, any jailer or deputy jailer, any auxiliary police officer appointed

pursuant to KRS 95.445, any police officer of a public institution of

postsecondary education appointed pursuant to KRS 164.950, or any citation

or safety officer appointed pursuant to KRS 83A.087 and 83A.088, elected to

office, or employed by any county, airport board created pursuant to KRS

Chapter 183, city, or by the state;

(b) A~~["]~~firefighter, *which for the purposes of this section*~~["]~~ means every paid

firefighter or volunteer firefighter who is employed by or volunteers his or her

services to the state, airport board created pursuant to KRS Chapter 183, any

county, city, fire district, or any other organized fire department recognized,

pursuant to KRS 95A.262, as a fire department operated and maintained on a

nonprofit basis in the interest of the health and safety of the inhabitants of the

Commonwealth and shall include qualified civilian firefighters employed at

Kentucky-based military installations;

(c) A public safety telecommunicator, which for the purposes of this section

means any telecommunicator employed by an state or local emergency

response agency for the purpose of answering 911 or other emergency

telephone calls and dispatching emergency calls to public safety personnel;

(d) An emergency medical technician, which for the purposes of this section means every paid or unpaid emergency medical technician who is employed by or volunteers his or her services to any public agency that is licensed to provide emergency medical services pursuant to KRS Chapter 311A;

(e) A rescue squad member, which for the purposes of this section means any member of a general or specialized rescue squad as defined in KRS 39F.010;

(f) An emergency management staff member, which for the purposes of this section means any paid or volunteer employee or agency of any local emergency management agency or state emergency management agency as defined in KRS 39A.020; and

(g) A Civil Air Patrol member, which for purposes of this section means any member of the Civil Air Patrol established pursuant to KRS 36.230; when responding to a request for assistance from any local or state agency within the Commonwealth of Kentucky at the time of death.

- (2) The spouse of an emergency responder ~~[any police officer, sheriff, deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, any police officer of a public institution of postsecondary education appointed pursuant to KRS 164.950, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, firefighter,]~~ or member of the Kentucky National Guard on state active duty pursuant to KRS 38.030, or a member of a state National Guard or a Reserve component on federal active duty under Title 10 or 32 of the United States Code who names Kentucky as home of record for military purposes, whose death occurs on or after July 1, 2002,

as a direct result of an act in the line of duty shall receive a lump-sum payment of eighty thousand dollars (\$80,000) if there are no surviving children, which sum shall be paid by the State Treasurer from the general expenditure fund of the State Treasury. If there are surviving children and a surviving spouse, the payment shall be apportioned equally among the surviving children and the spouse. If there is no surviving spouse, the payment shall be made to the surviving children, eighteen (18) or more years of age. For surviving children less than eighteen (18) years of age, the State Treasurer shall:

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

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

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

in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.

- (5) The Department of Corrections shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to correctional employees, including but not limited to defining which employees qualify for coverage and which circumstances constitute death in the line of duty.
- (6) *The Kentucky Board of Emergency Medical Services shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to emergency medical technicians, including but not limited to defining which employees qualify for coverage and which circumstances constitute death in the line of duty.*
- (7) *The Kentucky Department of Military Affairs shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to rescue squad members, emergency management staff members, and Civil Air Patrol members, including but not limited to defining which employees qualify for coverage and which circumstances constitute death in the line of duty.*
- (8) *The Kentucky Department for Local Government shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to public safety telecommunicators, including but not limited to defining which local government employees qualify for coverage and which circumstances constitute death in the line of duty.*
- (9) The estate of anyone whose spouse or surviving children would be eligible for benefits under subsection (2) of this section, and the estate of any regular member

of the United States Armed Forces who names Kentucky as home of record for military purposes whose death occurs as a direct result of an act in the line of duty, shall be exempt from all probate fees, including but not limited to those established by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or imposed under KRS 24A.185, 64.012, and 172.180.

~~(10)~~~~(7)~~ The benefits payable under this section shall be in addition to any benefits now or hereafter prescribed under any police, sheriff, firefighter's, volunteer firefighter's, or National Guard or Reserve retirement or benefit fund established by the federal government or by any state, county, or any municipality.

~~(11)~~~~(8)~~ Any funds appropriated for the purpose of paying the death benefits described in subsection (2) of this section shall be allotted to a self-insuring account. These funds shall not be used for the purpose of purchasing insurance.

➔Section 2. KRS 164.2841 is amended to read as follows:

(1) (a) Any person whose parent or any nonmarried widow or widower whose spouse was a resident of the Commonwealth of Kentucky upon becoming an emergency responder as defined in Section 1 of this Act~~[a law enforcement officer, firefighter, or volunteer firefighter]~~ and who was killed while in active service or training for active service or who died as a result of a service-connected disability shall not be required to pay any matriculation or tuition fee upon admission to any state-supported university, community college, or vocational training institution. The provisions of this subsection shall apply to:

1. Any law enforcement officer who is killed or dies under the conditions covered in this subsection on or after January 1, 1986;
2. Any firefighter or volunteer firefighter who is killed or dies under the conditions covered in this subsection on July 1, 1989, or thereafter; and
3. Any other emergency responder as defined in Section 1 of this Act

who is killed or dies under the conditions covered in this subsection on or after the effective date of this Act.

- (b) In order to obtain the benefits conferred by paragraph (a) of this subsection, the parent-child relationship shall be shown by birth certificate, adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence. The parent's or spouse's service and the cause of death shall be evidenced by certification from the records of the Kentucky Justice and Public Safety Cabinet, **the Department of Corrections, the Kentucky Board of Emergency Medical Services, the Kentucky Department of Military Affairs, the Kentucky Department for Local Government,** the appropriate city or county law enforcement agency which employed the deceased, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes.
- (2) (a) Any person whose parent or any nonmarried widow or widower whose spouse was an employee participating in a state-administered retirement system, and not otherwise covered by subsection (1) of this section, and who died as a result of a duty-related injury as described in KRS 61.621 shall not be required to pay any matriculation or tuition fee upon admission to any state-supported university, community college, or vocational training institution.
- (b) In order to obtain the benefits conferred by paragraph (a) of this subsection, the parent-child relationship shall be shown by birth certificate, adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence. The parent's or spouse's service and the cause of death shall be evidenced by certification from the records of the employing agency or the appropriate retirement

system.

- (3) If one so admitted to a state-supported university, community college, or vocational training institution under the provisions of this section shall have obtained a cash scholarship paid or payable to the institution, from whatever source, the amount of the scholarship shall be applied to the credit of the applicant in the payment of incidental expenses of his attendance at the institution, and any balance, if the terms of the scholarship permit, shall be returned to the applicant.

➔Section 3. KRS 164.2842 is amended to read as follows:

- (1) (a) The spouse, regardless of age, and any child of a permanently and totally disabled *emergency responder as defined in Section 1 of this Act*~~law enforcement officer, firefighter, or volunteer firefighter~~ injured while in active service or in training for active service, who is over the age of seventeen (17) and under the age of twenty-three (23) shall not be required to pay any matriculation or tuition fee upon his admission to any state-supported university, community college, or vocational training institution for a period not in excess of thirty-six (36) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.
- (b) For the spouse or child to be entitled to benefits under this section, the disabled *emergency responder*~~law enforcement officer, firefighter, or volunteer firefighter~~ shall be rated permanently and totally disabled for pension purposes or one hundred percent (100%) disabled for compensation purposes by the Kentucky Justice and Public Safety Cabinet, the appropriate city or county law enforcement agency which employed the disabled, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes, or if deceased, the claim to benefits is to be based on the rating held

- by the emergency responder ~~[law enforcement officer, firefighter, or volunteer firefighter]~~ at the time of death. The parent's or spouse's service and rating shall be evidenced by certification from the records of the Kentucky Justice and Public Safety Cabinet, the Department of Corrections, the Kentucky Board of Emergency Medical Services, the Kentucky Department of Military Affairs, the Kentucky Department for Local Government, the appropriate local law enforcement agency, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes.
- (c) In the absence of certification of permanent and total disability by the Kentucky Department of Workers' Claims, the Kentucky Justice and Public Safety Cabinet, the Department of Corrections, the Kentucky Board of Emergency Medical Services, the Kentucky Department of Military Affairs, the Kentucky Department for Local Government, the appropriate local law enforcement agency, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes, medical evidence showing permanent and total disability or the existence of permanent and total disability for a period of at least thirty (30) days immediately prior to death may be accepted, if this evidence is signed by a physician licensed to practice or an official of an accredited medical hospital.
- (d) The parent-child relationship shall be shown by birth certificate, legal adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence.
- (e) To entitle a spouse or child to benefits under this section, the disabled

emergency responder~~[law enforcement officer, firefighter, or volunteer firefighter]~~ shall have been a resident of the Commonwealth of Kentucky upon becoming *an emergency responder*~~[a law enforcement officer, firefighter, or volunteer firefighter]~~.

- (2) (a) The spouse, regardless of age, and any child of a person who was an employee participating in a state-administered retirement system and not otherwise covered by subsection (1) of this section and who was disabled as a result of a duty-related injury as described in KRS 61.621, who is over the age of seventeen (17) and under the age of twenty-three (23) shall not be required to pay any matriculation or tuition fee upon his admission to any state-supported university, community college, or vocational training institution for a period not in excess of thirty-six (36) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.
- (b) The parent-child relationship shall be shown by birth certificate, legal adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence.
- (3) The marriage of an eligible child shall not serve to deny full entitlement to the benefits provided in this section.

➔Section 4. KRS 346.155 is amended to read as follows:

- (1) The board may award a lump-sum payment not to exceed twenty-five thousand dollars (\$25,000) to the family of *an emergency responder as defined in Section 1 of this Act*~~[a police officer employed by a city, county, or urban county government]~~ who is killed in the line of duty~~[as a police officer for such city, county, or urban county]~~ and who is not eligible to receive death or disability benefits under a pension plan of the *agency or organization for which the individual was employed or served in a volunteer capacity*~~[city, county, or urban county]~~.

- (2) This section shall apply to:
- (a) Any police officer employed by a city, county, or urban-county government who is killed in the line of duty since January 1, 1986; and
 - (b) Any other emergency responder as defined in Section 1 of this Act, whether paid or unpaid, who is killed in the line of duty on or after the effective date of this Act.

➔Section 5. KRS 194A.410 is amended to read as follows:

- (1) The department shall offer a vaccination program for emergency responders who may be exposed to infectious diseases when deployed to a disaster location. The program shall include, but not be limited to, vaccinations for hepatitis A, hepatitis B, diphtheria-tetanus, influenza, pneumococcal, and any other diseases for which vaccinations are recommended by the United States Public Health Service and in accordance with Federal Emergency Management Director's Policy. Immune globulin shall be made available when necessary.
- (2) (a) Participation in the vaccination program shall be voluntary by emergency responders.
- (b) Participation in the vaccination program shall be mandatory for emergency responders who are:
1. Classified as having "occupational exposure" to bloodborne pathogens as defined by the United States Occupational Safety and Health Administration Standard in 29 C.F.R. sec. 1910.1030, who shall be required to take the designated vaccinations; and
 2. Otherwise required by law to take the designated vaccinations.
- (3) An emergency responder shall be exempt from receiving a vaccination when a written statement from a licensed physician is presented to the department indicating that a vaccine is medically contraindicated for that person or the emergency responder signs a written statement that the administration of a

vaccination conflicts with his or her religious tenets.

- (4) In the event of a vaccine shortage, the commissioner, in consultation with the Governor and the United States Centers for Disease Control and Prevention, shall use federal recommendations to determine the priority for emergency responders.
- (5) The department shall notify emergency responders of the availability of the vaccination program and shall provide educational materials to emergency responders on ways to prevent exposure to infectious diseases.
- (6) The department may contract with county and local health departments, not-for-profit home health care agencies, hospitals, physicians, or other licensed health care organizations to administer the vaccination program for emergency responders.
- (7) **This program shall be for the benefit of all volunteer or unpaid emergency responders who are not covered by other provisions of the Kentucky Revised Statutes, including but not limited to KRS 95A.262.**
- (8)** This program shall be implemented upon receipt of federal funding or grants for administering an emergency responders vaccination program. Upon receipt of funding, the department shall make vaccines available to emergency responders as provided in this section.

➔Section 6. KRS 61.395 is amended to read as follows:

- (1) As used in this section:
 - (a) "Disaster" means disasters designated at level III and above in the American National Red Cross Regulations and Procedures; and
 - (b) "State agency" means all departments, offices, commissions, boards, institutions, and political and corporate bodies of the state, including the offices of the clerk of the Supreme Court, clerks of the appellate courts, the several courts of the state, and the legislature, its committees, or commissions.
- (2) An employee of a state agency who is a certified disaster services volunteer of the American Red Cross may be granted leave from work with pay for not to exceed

thirty (30) work days in any twelve (12) month period to participate in specialized disaster relief services for the American Red Cross for the services of that employee and upon the approval of that employee's agency, without loss of seniority, pay, vacation time, sick time, compensatory time, or earned overtime accumulation. The agency shall compensate an employee granted leave under this section at the regular rate of pay for those regular work hours during which the employee is absent from work.

- (3) *Upon appropriate application in a manner proscribed by the Personnel Cabinet, leave shall be presumptively approved. Leave may only be rescinded in writing and by a supervisor at the level of director or above.*
- (4) This section may be cited as the Disaster Services Volunteer Leave Act.