

AN ACT relating to emergency personnel.

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:~~[,]~~

(a) "Police officer" means every paid police officer, sheriff, or deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, any police officer of a public institution of postsecondary education appointed pursuant to KRS 164.950, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, elected to office, or employed by any county, airport board created pursuant to KRS Chapter 183, city, or by the state;

(b) "Firefighter" means every paid firefighter or volunteer firefighter who is employed by or volunteers his or her services to the state, airport board created pursuant to KRS Chapter 183, any county, city, fire district, or any other organized fire department recognized, pursuant to KRS 95A.262, as a fire department operated and maintained on a nonprofit basis in the interest of the health and safety of the inhabitants of the Commonwealth and shall include qualified civilian firefighters employed at Kentucky-based military installations; **and**

(c) **"Emergency medical services provider" means:**

- 1. An emergency medical technician, paramedic, or first responder with a nonprofit or public ambulance provider, as defined in KRS 311A.010;**
- 2. Any member of a rescue squad created pursuant to KRS 39F.020; or**
- 3. Any member of a local emergency management agency created in**

KRS 39B.010.

- (2) The spouse of any police officer, sheriff, deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, any police officer of a public institution of postsecondary education appointed pursuant to KRS 164.950, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, firefighter, or member of the Kentucky National Guard on state active duty pursuant to KRS 38.030, or a member of a state National Guard or a Reserve component on federal active duty under Title 10 or 32 of the United States Code who names Kentucky as home of record for military purposes, whose death occurs on or after July 1, 2002, **or an emergency medical services provider whose death occurs on or after June 30, 2015,** as a direct result of an act in the line of duty shall receive a lump-sum payment of eighty thousand dollars (\$80,000) if there are no surviving children, which sum shall be paid by the State Treasurer from the general 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 may promulgate administrative regulations establishing criteria and procedures applicable to the administration of this section as it pertains to police officers, any metropolitan or urban-county correctional officers with the power of a peace officer pursuant to KRS 446.010, or any jailers or deputy jailers, including but not limited to defining when one has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.
- (5) The Department of Corrections shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to correctional employees, including but not limited to defining which employees qualify for coverage and which circumstances constitute death in the line of duty.
- (6) *The Kentucky Board of Emergency Medical Services shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to emergency medical services providers, including but not limited to which employees qualify for coverage and which circumstances constitute death in the line of duty.*
- (7) *The Kentucky Division of Emergency Management shall promulgate administrative regulations establishing the criteria and procedures applicable to*

the administration of this section as it pertains to emergency management personnel, including but not limited to which employees qualify for coverage and which circumstances constitute death in the line of duty.

(8) The estate of anyone whose spouse or surviving children would be eligible for benefits under subsection (2) of this section, and the estate of any regular member of the United States Armed Forces who names Kentucky as home of record for military purposes whose death occurs as a direct result of an act in the line of duty, shall be exempt from all probate fees, including but not limited to those established by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or imposed under KRS 24A.185, 64.012, and 172.180.

~~**(9)**~~~~**(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, *emergency medical services provider*, or National Guard or Reserve retirement or benefit fund established by the federal government or by any state, county, or any municipality.

~~**(10)**~~~~**(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) *As used in this section and Section 3 of this Act, "emergency medical services provider" means:*

(a) An emergency medical technician, paramedic, or first responder with an nonprofit or public ambulance provider, as defined in KRS 311A.010; or

(b) Any member of a rescue squad created pursuant to KRS 39F.020.

(2) *As used in this section and Section 3 of this Act, "emergency management personnel" means any member of a local emergency management agency created in KRS 39B.010.*

(3) (a) Any person whose parent or any nonmarried widow or widower whose spouse:

1. Was a resident of the Commonwealth of Kentucky upon becoming a law enforcement officer, firefighter,~~[-or]~~ volunteer firefighter, **emergency management personnel, or emergency medical services provider;** and~~[-~~
~~who]~~

2. 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.

(b) The provisions of this subsection shall apply to:

1. Any firefighter or volunteer firefighter who is killed or dies under the conditions covered in this subsection on July 1, 1989, or thereafter; **and**

2. Any emergency medical services provider or emergency management personnel who is killed or dies under the conditions covered in this subsection on or after June 30, 2015.

~~(c)~~~~(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 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, or the administrative agency having jurisdiction over the emergency medical services provider or emergency management personnel.

~~(4)(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 ~~(3)(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.

~~(5)(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 law enforcement officer, firefighter,~~[-or]~~ volunteer firefighter, emergency management personnel, or emergency medical services provider

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 law enforcement officer, firefighter,~~[-or]~~ volunteer firefighter, **emergency management personnel, or emergency medical services provider** 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 the administrative agency having jurisdiction over the emergency medical services provider or emergency management personnel;** or, if deceased, the claim to benefits is to be based on the rating held by the law enforcement officer, firefighter,~~[-or]~~ volunteer firefighter, **emergency management personnel, or emergency medical services provider** 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 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, or the administrative agency having jurisdiction over the emergency medical services provider or emergency management personnel.

- (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 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, or the administrative agency having jurisdiction over the emergency medical services provider or emergency management personnel, 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 law enforcement officer, firefighter,~~or~~ volunteer firefighter, emergency management personnel, or emergency medical services provider shall have been a resident of the Commonwealth of Kentucky upon becoming a law enforcement officer, firefighter,~~or~~ volunteer firefighter, emergency management personnel, or emergency medical services provider.
- (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. This Act may be cited as the John Mackey Act.