

1 AN ACT relating to the law enforcement and firefighters foundation programs and
2 making an appropriation therefor.

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

4 ➔Section 1. KRS 15.410 is amended to read as follows:

5 It is the intention of the General Assembly to ensure~~assure~~ that the criminal laws of the
6 Commonwealth are enforced fairly, uniformly, and effectively throughout the state by
7 strengthening and upgrading~~local~~ law enforcement; to attract competent, highly
8 qualified young people to the field of law enforcement and to retain qualified and
9 experienced officers for the purpose of providing maximum protection and safety to the
10 citizens of, and the visitors to, this Commonwealth; and to offer a state monetary
11 supplement for~~local~~ law enforcement officers while upgrading the educational and
12 training standards of the~~such~~ officers.

13 ➔Section 2. KRS 15.420 is amended to read as follows:

14 As used in KRS 15.410 to 15.510~~, unless the context otherwise requires~~:

15 (1) **"Council" means the Kentucky Law Enforcement Council;**~~["Local Unit of~~
16 ~~government" means any city or county, combination of cities and counties, state or~~
17 ~~public university, or county sheriff's office of the Commonwealth.]~~

18 (2) "Police officer" means:

19 **(a) 1. A local officer, limited to:**

20 **a.** A full-time:

21 **i.** Member of a lawfully organized police department of county,
22 urban-county or city government; **or**~~;~~

23 **ii.** ~~[A]~~Sheriff or full-time deputy sheriff, including any **sheriff**
24 providing court security or appointed under KRS 70.030~~;~~~~;~~

25 or

26 **b. A school security officer; and**

27 **2. A state officer, limited to:**

- 1 a. A~~[state or]~~ public university police officer;
- 2 b. A Kentucky state trooper;
- 3 c. A Kentucky State Police arson investigator;
- 4 d. A Kentucky State Police hazardous device investigator;
- 5 e. A Kentucky State Police legislative security specialist;
- 6 f. A Kentucky vehicle enforcement officer;
- 7 g. A horse park mounted patrol officer;
- 8 h. A park ranger;
- 9 i. An agriculture investigator;
- 10 j. A charitable gaming investigator;
- 11 k. An alcoholic beverage control investigator;
- 12 l. An insurance fraud investigator; and
- 13 m. An Attorney General investigator;

14 who is responsible for the prevention and detection of crime and the

15 enforcement of the general criminal laws of the state;~~[-]~~ but

16 (b) Does not include ~~[Department of Kentucky State Police,]~~ any sheriff who

17 earns the maximum constitutional salary for this office, any special deputy

18 sheriff appointed under KRS 70.045, any constable, deputy constable, district

19 detective, deputy district detective, special local peace officer, auxiliary police

20 officer, or any other peace officer not specifically authorized in KRS 15.410 to

21 15.510;~~[-]~~

22 (3) "Unit of government" means any city, county, combination of cities and

23 counties, public university, state agency, local school district, or county sheriff's

24 office of the Commonwealth; and~~["Council" means the Kentucky Law~~

25 ~~Enforcement Council.]~~

26 (4) "Validated job task analysis" means the core job description which describes the

27 minimum entry level requirements, qualifications, and training requirements for

1 peace officers in the Commonwealth, which is based upon an actual survey and
 2 study of police officer duties and responsibilities conducted by an entity recognized
 3 by the ~~[Kentucky Law Enforcement]~~ council as being competent to conduct such a
 4 study.

5 ➔ Section 3. KRS 15.440 is amended to read as follows:

6 (1) Each ~~[local]~~ unit of government which meets the following requirements shall be
 7 eligible to share in the distribution of funds from the Law Enforcement Foundation
 8 Program fund:

9 (a) Employs one (1) or more police officers;

10 (b) Pays every police officer at least the minimum federal wage;

11 (c) **Requires all police officers to have, at a minimum,** ~~[Maintains the minimum~~
 12 ~~educational requirement of]~~ a high school degree, or its equivalent as
 13 determined by the ~~[Kentucky Law Enforcement]~~ council, **except that each**
 14 **police officer employed prior to the date on which the officer's department**
 15 **was included as a participant under KRS 15.410 to 15.510** ~~[for employment~~
 16 ~~of police officers on or after July 1, 1972, and for all sheriffs appointed or~~
 17 ~~elected on or after July 15, 1998, and all deputy sheriffs, and state or public~~
 18 ~~university police officers employed after July 15, 1998; provided, however,~~
 19 ~~that all police officers employed prior to July 1, 1972, shall be deemed to have~~
 20 ~~met the requirements of this subsection, and that all sheriffs serving in office~~
 21 ~~on July 15, 1998, all deputy sheriffs, and state or public university police,~~
 22 ~~employed prior to July 15, 1998,]~~ shall be deemed to have met the
 23 requirements of this subsection;

24 (d) 1. Requires all police officers ~~[employed on or after July 1, 1972, and all~~
 25 ~~sheriffs appointed or elected on or after July 15, 1998, and deputy~~
 26 ~~sheriffs, and state or public university police officers employed on or~~
 27 ~~after January 1, 1998,]~~ to successfully complete a basic training course

1 of nine hundred twenty-eight (928) hours' duration within one (1) year of
2 the date of employment at a school certified or recognized by the
3 ~~Kentucky Law Enforcement~~ council, which may provide a different
4 number of hours of instruction as established in this paragraph, ***except***
5 ***that each police officer employed prior to the date on which the***
6 ***officer's department was included as a participant under KRS 15.410***
7 ***to 15.510***. All sheriffs serving in office on July 15, 1998, all deputy
8 sheriffs, and state or public university police, employed prior to January
9 1, 1998, shall be deemed to have met the requirements of this
10 subsection.

- 11 2. As the exclusive method by which the number of hours required for
12 basic training courses shall be modified from that which is specifically
13 established by this paragraph, the council may, by the promulgation of
14 administrative regulations in accordance with the provisions of KRS
15 Chapter 13A, explicitly set the exact number of hours for basic training
16 at a number different from nine hundred twenty-eight (928) hours based
17 upon a training curriculum approved by the Kentucky Law Enforcement
18 Council as determined by a validated job task analysis.
- 19 3. If the council sets an exact number of hours different from nine hundred
20 twenty-eight (928) in an administrative regulation as set out in this
21 paragraph, it shall not further change the number of hours required for
22 basic training without promulgating administrative regulations in
23 accordance with the provisions of KRS Chapter 13A.
- 24 4. Nothing in this paragraph shall be interpreted to prevent the council
25 pursuant to its authority under KRS 15.330 from approving training
26 schools with a curriculum requiring attendance of a number of hours that
27 exceeds nine hundred twenty-eight (928) hours or the number of hours

1 established in an administrative regulation set out by subparagraphs 2.
 2 and 3. of this paragraph. However, the training programs and schools for
 3 the basic training of law enforcement personnel conducted by the
 4 department pursuant to KRS 15A.070 shall not contain a curriculum that
 5 requires attendance of a number of hours for basic training that is
 6 different from nine hundred twenty-eight (928) hours or the number of
 7 hours established in an administrative regulation promulgated by the
 8 council pursuant to the provisions of KRS Chapter 13A as set out by
 9 subparagraphs 2. and 3. of this paragraph;

10 (e) Requires all police officers~~[, whether originally employed before or after July~~
 11 ~~1, 1972, and all sheriffs appointed or elected before, on, or after July 15, 1998,~~
 12 ~~and all deputy sheriffs and state or public police officers employed before, on,~~
 13 ~~or after July 15, 1998,]~~ to successfully complete each calendar year an in-
 14 service training course, appropriate to the officer's rank and responsibility and
 15 the size and location of the officer's~~[his]~~ department, of forty (40) hours'
 16 duration, of which the number of hours shall not be changed by the council, at
 17 a school certified or recognized by the~~[Kentucky Law Enforcement]~~ council.
 18 This requirement shall be waived for the period of time that a peace officer is
 19 serving on active duty in the United States Armed Forces. This waiver shall be
 20 retroactive for peace officers from the date of September 11, 2001;

21 (f) Complies~~[Requires compliance]~~ with all provisions of law applicable to
 22 police officers or police departments~~[local police, state or public university~~
 23 ~~police, or sheriffs and their deputies]~~, including transmission of data to the
 24 centralized criminal history record information system as required by KRS
 25 17.150;

26 (g) Complies~~[Requires compliance]~~ with all~~[reasonable]~~ rules and regulations,
 27 appropriate to the size and location of the~~[local]~~ police department~~[, state or~~

- 1 ~~public university police department, or sheriff's office,~~ issued by the Justice
2 and Public Safety Cabinet to facilitate the administration of the fund and
3 further the purposes of KRS 15.410 to 15.510;
- 4 (h) Possesses a written policy and procedures manual related to domestic violence
5 for law enforcement agencies that ~~meets the standards set forth by, and~~ has
6 been approved by~~;~~ the Justice and Public Safety Cabinet. The policy shall
7 comply with the provisions of KRS 403.715 to 403.785. The policy shall
8 include **a** purpose **statement**~~statements~~; definitions; supervisory
9 responsibilities; procedures for twenty-four (24) hour access to protective
10 orders; procedures for enforcement of court orders or relief when protective
11 orders are violated; procedures for timely and contemporaneous reporting of
12 adult abuse and domestic violence to the Cabinet for **Health and Family**
13 **Services**~~Families and Children~~, Department for Community Based Services;
14 victim rights, assistance, and service responsibilities; and duties related to
15 timely completion of records; and
- 16 (i) Possesses by January 1, 2017, a written policy and procedures manual related
17 to sexual assault examinations that meets the standards set forth by, and has
18 been approved by, the Justice and Public Safety Cabinet, and which includes:
- 19 1. A requirement that evidence collected as a result of an examination
20 performed under KRS 216B.400 be taken into custody within five (5)
21 days of notice from the collecting facility that the evidence is available
22 for retrieval;
- 23 2. A requirement that evidence received from a collecting facility relating
24 to an incident which occurred outside the jurisdiction of the department
25 be transmitted to a department with jurisdiction within ten (10) days of
26 its receipt by the department;
- 27 3. A requirement that all evidence retrieved from a collecting facility under

1 this paragraph be transmitted to the Department of Kentucky State
 2 Police forensic laboratory within thirty (30) days of its receipt by the
 3 department;

4 4. A requirement that a suspect standard, if available, be transmitted to the
 5 Department of Kentucky State Police forensic laboratory with the
 6 evidence received from a collecting facility; and

7 5. A process for notifying the victim from whom the evidence was
 8 collected of the progress of the testing, whether the testing resulted in a
 9 match to other DNA samples, and if the evidence is to be destroyed. The
 10 policy may include provisions for delaying notice until a suspect is
 11 apprehended or the office of the Commonwealth's attorney consents to
 12 the notification, but shall not automatically require the disclosure of the
 13 identity of any person to whom the evidence matched.

14 (2) ~~A [No local] unit of government which meets the criteria of this section shall be~~
 15 ~~eligible to continue sharing in the distribution of funds from the Law Enforcement~~
 16 ~~Foundation Program fund **only if** [unless] the [local] police department **remains in**~~
 17 ~~**compliance** [state or public university police department, or sheriff's office actually~~
 18 ~~begins and continues to comply] with the requirements of this section [; provided,~~
 19 ~~further, that no local unit shall be eligible to share in the distribution of funds from~~
 20 ~~the Law Enforcement Foundation Program fund until the local police department,~~
 21 ~~state or public university police department, or sheriff's office has substantially~~
 22 ~~complied with subsection (1)(f) and (g) of this section].~~

23 (3) **Deputies employed by** a sheriff's office shall **be eligible to participate** ~~[not lose~~
 24 ~~eligibility to share] in the distribution of funds from the Law Enforcement~~
 25 ~~Foundation Program fund **regardless of participation by** [if] the sheriff [does not~~
 26 ~~participate in the Law Enforcement Foundation Program fund].~~

27 (4) Failure to meet a deadline established in a policy adopted pursuant to subsection

1 (1)(i) of this section for the retrieval or submission of evidence shall not be a basis
 2 for a dismissal of a criminal action or a bar to the admissibility of the evidence in a
 3 criminal action.

4 ➔Section 4. KRS 15.460 is amended to read as follows:

5 (1) (a) Except as provided in subsection (4)(a) of this section,~~[beginning July 15,~~
 6 ~~1998,]~~ an eligible~~[local]~~ unit of government shall be entitled to receive~~[~~
 7 ~~annually a supplement of two thousand seven hundred fifty dollars (\$2,750)~~
 8 ~~for each qualified police officer it employs, and beginning on July 1, 1999,]~~ an
 9 annual supplement of three thousand dollars (\$3,000) for each qualified police
 10 officer it employs. **The supplement amount shall be increased to four**
 11 **thousand dollars (\$4,000) beginning July 1, 2018.**

12 **(b) 1. In addition to the supplement, the unit of government shall receive[**
 13 ~~plus]~~ an amount equal to the required employer's contribution on the
 14 supplement to the defined benefit pension plan **and duty category** to
 15 which the officer belongs~~[, but no more than the required employer's~~
 16 ~~contribution to the County Employees Retirement System hazardous~~
 17 ~~duty category].~~ In the case of County Employees Retirement System
 18 membership, the pension contribution on the supplement shall be paid
 19 whether the officer enters the system under hazardous duty coverage or
 20 nonhazardous coverage. **The amounts specified in this paragraph shall**
 21 **include a proportionate amount for any supplemental contributions**
 22 **employers are required to make to any retirement system.**

23 **2.** The~~[local]~~ unit of government shall pay the amount received for
 24 retirement coverage to the appropriate retirement system to cover the
 25 required employer contribution on the pay supplement.

26 **3.** Should the foundation program funds be insufficient to pay employer
 27 contributions to the system, then the total amount available for pension

1 payments shall be prorated to each eligible government so that each
2 receives the same percentage of required pension costs attributable to the
3 cash salary supplement.

4 (c) 1. In addition to the payments received under paragraphs (a) and (b) of
5 this subsection, but only if sufficient funds are available to make all
6 payments required under paragraph (b) of this subsection, each unit
7 of government shall receive an administrative expense reimbursement
8 in an amount equal to seven and sixty-five one-hundredths percent
9 (7.65%) of the total annual supplement received greater than three
10 thousand one hundred dollars (\$3,100) for each qualified police
11 officer that is a local officer as defined in subsection (2)(a)1. of
12 Section 2 of this Act that it employs, subject to the cap established by
13 subparagraph 3. of this paragraph.

14 2. The unit of government may use the moneys received under this
15 paragraph in any manner it deems necessary to partially cover the
16 costs of administering the payments received under paragraph (a) of
17 this subsection.

18 3. The total amount distributed under this paragraph shall not exceed
19 the total sum of five hundred twenty-five thousand dollars (\$525,000)
20 for each fiscal year. If there are insufficient funds to provide for full
21 reimbursement as provided in subparagraph 1. of this paragraph, then
22 the amount shall be distributed pro rata to each eligible unit of
23 government so that each receives the same percentage attributable to
24 its total receipt of the cash salary supplement.

25 (d) In addition to the payments received under paragraphs (a) and (b) of this
26 subsection, each unit of government shall receive the associated fringe
27 benefits costs for the total supplement of four thousand dollars (\$4,000) for

1 each qualified police officer that is a state officer as defined in subsection
 2 (2)(a)2. of Section 2 of this Act that it employs.

3 (2) The supplement provided in subsection (1) of this section shall be paid by the unit
 4 of government to each police officer whose qualifications resulted in receipt of a
 5 supplemental payment. The payment shall be in addition to the police
 6 officer's~~[Each qualified police officer, whose local government receives a~~
 7 ~~supplement pursuant to subsection (1) of this section, shall be paid by the local~~
 8 ~~government the supplement which his or her qualifications brought to the local~~
 9 ~~government. The supplement paid each police officer shall be in addition to his or~~
 10 ~~her] regular salary and, except as provided in subsection (4)(b) of this section, shall~~
 11 continue to be paid to a police~~[an]~~ officer who is a member of:

12 (a) The Kentucky National Guard during any period of activation under Title 10
 13 or 32 of the United States Code or KRS 38.030; or

14 (b) Any reserve component of the United States Armed Forces during any period
 15 of activation with the United States Armed Forces.

16 (3) (a) ~~A~~~~[Each]~~ qualified sheriff who receives the maximum salary allowed by
 17 Section 246 of the Kentucky Constitution and KRS 64.527 shall not receive a
 18 supplement.

19 (b) ~~A~~~~[Each]~~ qualified sheriff who does not receive the maximum salary allowed
 20 by Section 246 of the Kentucky Constitution and KRS 64.527, excluding the
 21 expense allowance provided by KRS 70.170, shall upon annual settlement
 22 with the fiscal court under KRS 134.192, receive that portion of the
 23 supplement that will not cause his or her compensation to exceed the
 24 maximum salary.

25 (c) ~~A~~~~[Each]~~ qualified sheriff who seeks to participate in the fund shall forward a
 26 copy of the annual settlement prepared under KRS 134.192 to the fund. The
 27 sheriff shall reimburse the fund if an audit of the annual settlement conducted

1 pursuant to KRS 134.192 reflects that the sheriff received all or a portion of
 2 the supplement in violation of this section. A sheriff who fails to provide a
 3 copy of the annual settlement to the fund or to reimburse the fund after
 4 correction by audit, if required, shall not be qualified to participate in the fund
 5 for a period of two (2) years.

6 (d) ~~A~~~~Each~~ qualified deputy sheriff shall receive the supplement from the sheriff
 7 if the sheriff administers his or her own budget or from the county treasurer if
 8 the sheriff pools his or her fees. The failure of a sheriff to comply with the
 9 provisions of this section shall not affect the qualification of his or her
 10 deputies to participate in the fund.

11 (4) (a) Eligible ~~local~~ units of government shall receive the salary supplement,
 12 excluding funds applicable to the employer's pension fund contribution,
 13 provided in subsection (1) of this section for distribution to a police~~an~~
 14 officer who is eligible under subsection (2) of this section.

15 (b) A qualified police officer receiving a salary supplement during any period of
 16 military activation, as provided in subsection (2) of this section, shall not be
 17 entitled to receive the employer's pension system contribution, and the salary
 18 supplement shall not be subjected to an employee's contribution to a pension
 19 system. The salary supplement shall otherwise be taxable for all purposes.

20 **(5) A unit of government receiving disbursements under this section shall follow all**
 21 **laws applicable to it that may govern due process disciplinary procedures for its**
 22 **officers, but this subsection shall not be interpreted to:**

23 **(a) Authorize the Department of Criminal Justice Training, the Justice and**
 24 **Public Safety Cabinet, or the council to investigate, judge, or exercise any**
 25 **control or jurisdiction regarding the compliance of a unit of government**
 26 **with laws that may govern due process disciplinary procedures for its**
 27 **officers, except as otherwise provided by law;**

1 (b) Create a private right of action for any police officer regarding an agency's
 2 participation in this section;

3 (c) Authorize a termination of an agency's participation as a result of a
 4 judgment that the unit of government failed to follow its procedures in any
 5 independent cause of action brought by the police officer against the unit of
 6 government; or

7 (d) Prevent the adoption, amendment, or repeal of any laws that may govern
 8 the due process disciplinary procedures of a unit of government's police
 9 officers.

10 ➔ Section 5. KRS 95A.250 is amended to read as follows:

11 (1) (a) [~~Beginning July 1, 1982,~~] An eligible local government shall be entitled to
 12 receive [~~annually a supplement of two thousand seven hundred fifty dollars~~
 13 [~~(\$2,750) for each qualified professional firefighter it employs, and beginning~~
 14 [~~on July 1, 1999,~~] an annual supplement of three thousand dollars (\$3,000)
 15 and, beginning July 1, 2018, an annual supplement of four thousand
 16 dollars (\$4,000), for each qualified professional firefighter it employs, plus an
 17 amount equal to the required employer's contribution on the supplement to the
 18 defined benefit pension plan, or to a plan qualified under Section 401(a) or
 19 Section 457 of the Internal Revenue Code of 1954 as amended.

20 (b) The employer's contribution to any of these plans on the supplement shall not
 21 exceed the required employer's contribution to the County Employees
 22 Retirement System pursuant to KRS Chapter 78 for the hazardous duty
 23 category. The pension contribution on the supplement shall be paid whether
 24 the professional firefighter entered the system under hazardous duty coverage
 25 or nonhazardous coverage.

26 (c) The local unit of government shall pay the amount received for retirement
 27 coverage to the appropriate retirement system to cover the required employer

1 contribution on the supplement.

2 (d) Should the foundation program funds be insufficient to pay employer
3 contributions to the system, then the total amount available for pension
4 payments shall be prorated to each eligible government so that each receives
5 the same percentage of required pension costs attributable to the supplement.

6 **(e) 1. In addition to the payments received under paragraphs (a) and (b) of**
7 **this subsection, but only if sufficient funds are available to fully**
8 **reimburse each eligible local government for the employer**
9 **contributions to the pension system, each local government shall**
10 **receive an administrative expense reimbursement in an amount equal**
11 **to seven and sixty-five one-hundredths percent (7.65%) of the total**
12 **annual supplement received greater than three thousand one hundred**
13 **dollars (\$3,100) for each qualified professional firefighter it employs,**
14 **subject to the cap established by subparagraph 3. of this paragraph.**

15 **2. The local government may use the moneys received under this**
16 **paragraph in any manner it deems necessary to partially cover the**
17 **costs of administering the payments received under paragraph (a) of**
18 **this subsection.**

19 **3. The total amount distributed under this paragraph shall not exceed**
20 **the total sum of two hundred fifty thousand dollars (\$250,000) for**
21 **each fiscal year. If there are insufficient funds to provide for full**
22 **reimbursement as provided in subparagraph 1. of this paragraph, then**
23 **the amount shall be distributed pro rata to each eligible local**
24 **government so that each receives the same percentage attributable to**
25 **its total receipt of the cash salary supplement.**

26 (2) (a) Each qualified professional firefighter, whose local government receives a
27 supplement pursuant to subsection (1)(a) of this section **due to employment of**

1 the firefighter, shall receive distribution of the supplement from that local
2 government in twelve (12) equal monthly installments with his or her pay for
3 the last pay period of each month. The monthly distribution shall be calculated
4 by dividing the supplement amount set forth in subsection (1)(a) of this
5 section by twelve (12).

6 (b) The supplement disbursed to a qualified professional firefighter pursuant to
7 this section shall not be considered "wages" as defined by KRS
8 337.010(1)(c)1. and shall not be included in the hourly wage rate for
9 calculation of overtime pursuant to KRS 337.285 for scheduled overtime. The
10 supplement shall be included in the hourly wage rates for calculation of
11 overtime for unscheduled overtime pursuant to KRS 337.285.

12 (c) To determine the addition to the hourly wage rate for calculation of overtime
13 on unscheduled overtime, the annual supplement shall be divided by two
14 thousand eighty (2,080). The overtime rate for unscheduled overtime shall be
15 calculated by adding the quotient, which is the amount of the annual
16 supplement divided by two thousand eighty (2,080), to the hourly wage rate
17 and multiplying the total by one and one-half (1.5). The enhanced overtime
18 rate shall be paid only for unscheduled overtime. Scheduled overtime shall be
19 paid at one and one-half (1.5) times the regular hourly wage rate, excluding
20 the supplement.

21 (3) ~~{Beginning July 1, 2006:}~~

22 (a) The Kentucky Community and Technical College System shall be entitled to
23 receive annually a supplement equal to the amount determined in subsection
24 (1) of this section for each Kentucky fire and rescue training coordinator
25 employed by the Kentucky Community and Technical College System who
26 meets the qualifications for individual firefighters required in KRS 95A.230,
27 plus an amount equal to the required employer's contribution on the

1 supplement to the defined benefit pension plan.~~[- and]~~

2 (b) The Department of Military Affairs shall be entitled to receive annually a
3 supplement equal to the amount determined in subsection (1) of this section
4 for each civilian firefighter employed by the Department of Military Affairs
5 who meets the qualifications for individual firefighters required in KRS
6 95A.230, plus an amount equal to the required employer's contribution on the
7 supplement to the defined benefit pension plan.

8 Each fire and rescue training coordinator employed by the Kentucky Community
9 and Technical College System and each civilian firefighter employed by the
10 Department of Military Affairs, whose employer receives a supplement pursuant to
11 this subsection, shall receive distribution from that employer of the supplement
12 which his or her qualifications brought to the employer. The supplement distributed
13 shall be in addition to his or her regular salary.

14 ➔Section 6. KRS 95A.262 is amended to read as follows:

15 (1) The Commission on Fire Protection Personnel Standards and Education shall, in
16 cooperation with the Cabinet for Health and Family Services, develop and
17 implement a continuing program to inoculate every paid and volunteer firefighter in
18 Kentucky against hepatitis B. The program shall be funded from revenues allocated
19 to the Firefighters Foundation Program fund pursuant to KRS 136.392 and 42.190.
20 Any fire department which has inoculated its personnel during the period of July 1,
21 1991 to July 14, 1992, shall be reimbursed from these revenues for its costs incurred
22 up to the amount allowed by the Cabinet for Health and Family Services~~[Human~~
23 ~~Resources]~~ for hepatitis B inoculations.

24 (2) (a) Except as provided in subsection (3) of this section, the Commission on Fire
25 Protection Personnel Standards and Education shall allot on an annual basis a
26 share of the funds accruing to and appropriated for volunteer fire department
27 aid to volunteer fire departments in cities of all classes, fire protection districts

1 organized pursuant to KRS Chapter 75, county districts established under
 2 authority of KRS 67.083, and volunteer fire departments created as nonprofit
 3 corporations pursuant to KRS Chapter 273.

4 **(b)** The commission shall allot ~~eight thousand dollars (\$8,000) annually to each~~
 5 ~~qualifying department, and beginning on July 1, 2001, the commission shall~~
 6 ~~allot~~ eight thousand two hundred fifty dollars (\$8,250), **and beginning on**
 7 **July 1, 2018, the commission shall allot eleven thousand dollars (\$11,000)**
 8 annually to each qualifying department.

9 **(c)** Any qualifying department which fails to participate satisfactorily in the
 10 Kentucky fire incident reporting system as described in KRS 304.13-380 shall
 11 forfeit annually five hundred dollars (\$500) of its allotment.

12 **(d)** If two (2) or more qualified volunteer fire departments, as defined in KRS
 13 95A.500 to 95A.560, merge after January 1, 2000, then the allotment shall be
 14 in accordance with the provisions of KRS 95A.500 to 95A.560.

15 **(e)** Administrative regulations for determining qualifications shall be based on the
 16 number of both paid firefighters and volunteer firemen within a volunteer fire
 17 department, the amount of equipment, housing facilities available, and
 18 **any**~~such~~ other matters or standards **that**~~as~~ will best effect the purposes of
 19 the volunteer fire department aid law. A qualifying department shall:

20 **1.** Include at least twelve (12) firefighters;~~;~~

21 **2.** **Have** a chief;~~;~~~~and~~

22 **3.** **Have** at least one (1) operational fire apparatus or one (1) on order;
 23 **and**~~;~~

24 **4.** **Have at least** fifty percent (50%) of **its**~~the~~ firefighters **who**~~shall~~ have
 25 completed at least one-half (1/2) of one hundred fifty (150) training
 26 hours, or as otherwise established by the commission under KRS
 27 95A.240(6), toward certification within the first six (6) months of the

1 first year of the department's application for certification, and there shall
2 be a plan to complete the one hundred fifty (150) training hours, or as
3 otherwise established by the commission by KRS 95A.240(6), within
4 the second year.

5 These personnel, equipment, and training requirements shall not be made
6 more stringent by the promulgation of administrative regulations.

7 (f) No allotment shall exceed the total value of the funds, equipment, lands, and
8 buildings made available to the local fire units from any source whatever for
9 the year in which the allotment is made.

10 (g) A portion of the funds provided for above may be used to purchase group or
11 blanket health insurance and shall be used to purchase workers' compensation
12 insurance, and the remaining funds shall be distributed as set forth in this
13 section.

14 (3) There shall be allotted two hundred thousand dollars (\$200,000) of the insurance
15 premium surcharge proceeds accruing to the Firefighters Foundation Program fund
16 that shall be allocated each fiscal year of the biennium to the firefighters training
17 center fund, which is hereby created and established, for the purposes of
18 constructing new or upgrading existing training centers for firefighters. If any
19 moneys in the training center fund remain uncommitted, unobligated, or
20 unexpended at the close of the first fiscal year of the biennium, then such moneys
21 shall be carried forward to the second fiscal year of the biennium, and shall be
22 reallocated to and for the use of the training center fund, in addition to the second
23 fiscal year's allocation of two hundred thousand dollars (\$200,000). Prior to funding
24 any project pursuant to this subsection, a proposed project shall be approved by the
25 Commission on Fire Protection Personnel Standards and Education as provided in
26 subsection (4) of this section and shall comply with state laws applicable to capital
27 construction projects.

- 1 (4) Applications for funding low-interest loans and firefighters' training centers shall be
2 submitted to the Commission on Fire Protection Personnel Standards and Education
3 for their recommendation, approval, disapproval, or modification. The commission
4 shall review applications periodically, and shall, subject to funds available,
5 recommend which applications shall be funded and at what levels, together with any
6 terms and conditions the commission deems necessary.
- 7 (5) Any department or entity eligible for and receiving funding pursuant to this section
8 shall have a minimum of fifty percent (50%) of its personnel certified as recognized
9 by the Commission on Fire Protection Personnel Standards and Education.
- 10 (6) Upon the written request of any department, the Commission on Fire Protection
11 Personnel Standards and Education shall make available a certified training
12 program in a county of which such department is located.
- 13 (7) The amount of reimbursement for any given year for costs incurred by the Kentucky
14 Community and Technical College System for administering these funds, including
15 but not limited to the expenses and costs of commission operations, shall be
16 determined by the commission and shall not exceed five percent (5%) of the total
17 amount of moneys accruing to the Firefighters Foundation Program fund which are
18 allotted for the purposes specified in this section during any fiscal year.
- 19 (8) The commission shall withhold from the general distribution of funds under
20 subsection (2) of this section an amount which it deems sufficient to reimburse
21 volunteer fire departments for equipment lost or damaged beyond repair due to
22 hazardous material incidents.
- 23 (9) Moneys withheld pursuant to subsection (8) of this section shall be distributed only
24 under the following terms and conditions:
- 25 (a) A volunteer fire department has lost or damaged beyond repair items of
26 personal protective clothing or equipment due to that equipment having been
27 lost or damaged as a result of an incident in which a hazardous material (as

- 1 defined in any state or federal statute or regulation) was the causative agent of
2 the loss;
- 3 (b) The volunteer fire department has made application in writing to the
4 commission for reimbursement in a manner approved by the commission and
5 the loss and the circumstances thereof have been verified by the commission;
- 6 (c) The loss of or damage to the equipment has not been reimbursed by the person
7 responsible for the hazardous materials incident or by any other person;
- 8 (d) The commission has determined that the volunteer fire department does not
9 have the fiscal resources to replace the equipment;
- 10 (e) The commission has determined that the equipment sought to be replaced is
11 immediately necessary to protect the lives of the volunteer firefighters of the
12 fire department;
- 13 (f) The fire department has agreed in writing to subrogate all claims for and rights
14 to reimbursement for the lost or damaged equipment to the Commonwealth to
15 the extent that the Commonwealth provides reimbursement to the department;
16 and
- 17 (g) The department has shown to the satisfaction of the commission that it has
18 made reasonable attempts to secure reimbursement for its losses from the
19 person responsible for the hazardous materials incident and has been
20 unsuccessful in the effort.
- 21 (10) If a volunteer fire department has met all of the requirements of subsection (9) of
22 this section, the commission may authorize a reimbursement of equipment losses
23 not exceeding ten thousand dollars (\$10,000) or the actual amount of the loss,
24 whichever is less.
- 25 (11) Moneys which have been withheld during any fiscal year which remain unexpended
26 at the end of the fiscal year shall be distributed in the normal manner required by
27 subsection (2) of this section during the following fiscal year.

- 1 (12) No volunteer fire department may receive funding for equipment losses more than
2 once during any fiscal year.
- 3 (13) The commission shall make reasonable efforts to secure reimbursement from the
4 responsible party for any moneys awarded to a fire department pursuant to this
5 section.
- 6 (14) There shall be allotted each year of the 1992-93 biennium one million dollars
7 (\$1,000,000), and each year of the 1994-95, 1996-97, 1998-99, and 2000-01
8 bienniums one million dollars (\$1,000,000) of the insurance premium surcharge
9 proceeds accruing to the Firefighters Foundation Program fund for the purpose of
10 creating a revolving low-interest loan fund, which shall thereafter be self-sufficient
11 and derive its operating revenues from principal and interest payments. The
12 commission, in accordance with the procedures in subsection (4) of this section,
13 may make low-interest loans, and the interest thereon shall not exceed three percent
14 (3%) annually or the amount needed to sustain operating expenses of the loan fund,
15 whichever is less, to volunteer fire departments for the purposes of major equipment
16 purchases and facility construction. Loans shall be made to departments which
17 achieve the training standards necessary to qualify for volunteer fire department aid
18 allotted pursuant to subsection (2) of this section, and which do not have other
19 sources of funds at rates which are favorable given their financial resources. The
20 proceeds of loan payments shall be returned to the loan fund for the purpose of
21 providing future loans. If a department does not make scheduled loan payments, the
22 commission may withhold any grants payable to the department pursuant to
23 subsection (2) of this section until the department is current on its payments. Money
24 in the low-interest loan fund shall be used only for the purposes specified in this
25 subsection. Any funds remaining in the fund at the end of a fiscal year shall be
26 carried forward to the next fiscal year for the purposes of the fund.
- 27 (15) For fiscal year 2004-2005 and each fiscal year thereafter, there is allotted one

1 million dollars (\$1,000,000) from the fund established in KRS 95A.220 to be used
2 by the commission to conduct training-related activities.

3 (16) If funding is available from the fund established in KRS 95A.220, the Commission
4 on Fire Protection Personnel Standards and Education may implement the
5 following:

6 (a) A program to prepare emergency service personnel for handling potential
7 man-made and non-man-made threats. The commission shall work in
8 conjunction with the state fire marshal and other appropriate agencies and
9 associations to identify and make maps of gas transmission and hazardous
10 liquids pipelines in the state;

11 (b) A program to provide and maintain a mobile test facility in each training
12 region established by the Commission on Fire Protection Personnel Standards
13 and Education with equipment to administer Comprehensive Physical
14 Aptitude Tests (CPAT) to ascertain a firefighter's ability to perform the
15 physical requirements necessary to be an effective and safe firefighter;

16 (c) A program to provide defensive driving training tactics to firefighters. The
17 commission shall purchase, instruct in the use of, and maintain mobile
18 equipment in each of the training regions, and fund expenses related to
19 equipment replacement;

20 (d) A program to annually evaluate equipment adequacy and to provide for annual
21 physical examinations for instructors, adequate protective clothing and
22 personal equipment to meet NFPA guidelines, and to establish procedures for
23 replacing this equipment as needed;

24 (e) A program to establish a rotational expansion and replacement program for
25 mobile fleet equipment currently used for training and recertification of fire
26 departments;

27 (f) A program to expand and update current EMS, first responder, EMT, and

1 paramedic training and certification instruction; and

2 (g) A program to purchase thermal vision devices to comply with the provisions
3 of KRS 95A.400 to 95A.440.

4 ➔Section 7. KRS 15.430 is amended to read as follows:

5 (1) There is hereby established the Law Enforcement Foundation Program fund
6 consisting of appropriations from the general fund of the Commonwealth of
7 Kentucky, and insurance premium surcharge proceeds which accrue to this fund
8 pursuant to KRS 42.190 and 136.392. Any other funds, gifts, or grants made
9 available to the state for distribution to ~~local~~ units of government in accordance
10 with the provisions of KRS 15.410 to 15.510 also shall be made a part of this fund.

11 (2) All moneys remaining in this fund on July 1, 1982, and deposited thereafter,
12 including earnings from their investment, shall be deemed a trust and agency
13 account, but, beginning with fiscal year 1994-95, through June 30, 1999, moneys
14 remaining in the account at the end of the fiscal year in excess of three million
15 dollars (\$3,000,000) shall lapse. On and after July 1, 1999, moneys in this account
16 shall not lapse.

17 ➔Section 8. KRS 15.450 is amended to read as follows:

18 (1) The secretary or his or her designated representative shall administer the Law
19 Enforcement Foundation Program fund pursuant to the provisions of KRS 15.410 to
20 15.510 and may promulgate any administrative regulations as, in his or her
21 judgment, are necessary to carry out his responsibilities under KRS 15.410 to
22 15.510. Administrative hearings promulgated by administrative regulation under
23 authority of this section shall be conducted in accordance with KRS Chapter 13B.

24 (2) The secretary or his designated representative ~~shall determine which local units of~~
25 ~~government are eligible to share in the Law Enforcement Foundation Program fund~~
26 ~~and~~ may withhold or terminate payments to any ~~local~~ unit **of government** that
27 does not comply with the requirements of KRS 15.410 to 15.510 or the

1 administrative regulations issued by the Justice and Public Safety Cabinet under
2 KRS 15.410 to 15.510.

3 (3) The Justice and Public Safety Cabinet shall, from moneys appropriated and accruing
4 to the fund as provided under KRS 15.430, receive reimbursement for the salaries
5 and other costs of administering the fund, including, but not limited to, council
6 operations and expenses. The amount to be reimbursed for any given year shall be
7 determined by the council and shall not exceed five percent (5%) of the total
8 amount of funds for that year.

9 (4) The Justice and Public Safety Cabinet shall furnish periodically to the council any
10 reports as may be deemed reasonably necessary.

11 ➔Section 9. KRS 15.470 is amended to read as follows:

12 Law Enforcement Foundation Program funds made available to ~~local~~ units *of*
13 *government* shall be received, held, and expended in accordance with the provisions of
14 KRS 15.410 to 15.510, including the administrative regulations promulgated by the
15 Justice and Public Safety Cabinet and the following specific restrictions:

16 (1) Funds provided shall be used only as a cash salary supplement to police officers, for
17 payments to the defined benefit pension plan to which the officer belongs to cover
18 employer retirement costs on the cash salary supplement, and for administrative
19 costs as provided in KRS 15.450;

20 (2) Funds provided shall be used only to compensate police officers who have complied
21 with KRS 15.440(1)(c), (d), and (e);

22 (3) Each police officer shall be entitled to receive the state supplement which his
23 qualifications brought to the ~~local~~ unit *of government*;

24 (4) Funds provided shall not be used to supplant existing salaries or as a substitute for
25 normal salary increases periodically due to police officers;

26 (5) Each police officer receiving the state supplement who is also a member of the
27 Kentucky National Guard or any reserve component of the United States Armed

1 Forces shall continue to receive the state supplement during any period of military
2 activation, as provided in KRS 15.460(2); and

3 (6) Funds distributed or received pursuant to subsection (5) of this section shall be
4 excluded from all aspects of the Kentucky Retirement Systems or any other
5 retirement system.

6 ➔Section 10. KRS 15.480 is amended to read as follows:

7 The Finance and Administration Cabinet, on the certification of the Justice and Public
8 Safety Cabinet, shall draw warrants as specified hereinafter on the State Treasurer for the
9 amount of the Law Enforcement Foundation Program fund due each participating~~[local]~~
10 unit of government. Checks shall be issued by the State Treasurer and transmitted to the
11 Justice and Public Safety Cabinet for distribution to the proper officials of participating~~[~~
12 ~~local]~~ units of government which have complied with the provisions of KRS 15.410 to
13 15.510 and the administrative regulations of the Justice and Public Safety Cabinet.
14 Beginning July 1, 1972, and on the first day of each month thereafter, the share of each
15 eligible and participating~~[local]~~ unit of government shall be distributed from the Law
16 Enforcement Foundation Program fund.

17 ➔Section 11. KRS 15.490 is amended to read as follows:

18 (1) Each participating~~[local]~~ unit of government shall submit reports to the Justice and
19 Public Safety Cabinet on March 31, June 30, September 30, and December 31 of
20 each year containing information relative to number, rank, education, training, and
21 compensation of police officers employed by it and the disposition made of any
22 state or other funds received pursuant to KRS 15.410 to 15.510. Nothing in this
23 section shall prohibit the Justice and Public Safety Cabinet from requiring
24 additional information or reports from participating~~[local]~~ units of government;

25 (2) ~~[Local]~~Units of government shall include the additional compensation paid to each
26 police officer from the Law Enforcement Foundation Program fund as a part of the
27 officer's salary in determining all payroll deductions.

1 ➔Section 12. KRS 15.500 is amended to read as follows:

- 2 (1) If funds appropriated by the General Assembly and otherwise made available to the
3 Law Enforcement Foundation Program fund are insufficient to provide the amount
4 of money required by KRS 15.460, the Justice and Public Safety Cabinet shall
5 establish the rate of assistance to be paid~~[to eligible local units of governments]~~.
- 6 (2) Funds unexpended by the Justice and Public Safety Cabinet at the close of the fiscal
7 year for which the funds were appropriated and otherwise made available to this
8 fund, pursuant to KRS 15.430, 42.190 and 136.392, shall not lapse as provided by
9 KRS 45.229 but shall be carried forward into the following fiscal year and shall be
10 used solely for the purposes specified in KRS 15.410 to 15.500.