

1 AN ACT relating to emergency personnel.

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

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

4 (1) As used in this section:

5 (a) "Police officer" means every paid police officer, sheriff, or deputy sheriff,
6 corrections employee with the power of a peace officer pursuant to KRS
7 196.037, any metropolitan or urban-county correctional officer with the power
8 of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any
9 auxiliary police officer appointed pursuant to KRS 95.445, any police officer
10 of a public institution of postsecondary education appointed pursuant to KRS
11 164.950, or any citation or safety officer appointed pursuant to KRS 83A.087
12 and 83A.088, elected to office, or employed by any county, airport board
13 created pursuant to KRS Chapter 183, city, or by the state;

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

22 (c) "Emergency medical services personnel" means any paid or volunteer
23 emergency medical services personnel who is certified or licensed pursuant to
24 KRS Chapter 311A~~and~~ who:

25 1. Is employed directly by, or volunteering directly for, any:

26 a.~~1.~~ County;

27 b.~~2.~~ City;

1 c.[3.] Fire protection district created under KRS 75.010 to 75.260; or
 2 d.[4.] Emergency ambulance service district created under KRS 108.080
 3 to 108.180; or

4 2. Is employed by an ambulance provider, as defined in KRS 311A.010,
 5 that is not operated for profit;

6 to provide emergency medical services.; and

7 (d) "Emergency management personnel" means:

8 1. Any member of a local emergency management agency created under
 9 KRS 39F.010; or

10 2. Any member of a local emergency management agency created under
 11 KRS 39B.010.

12 (2) The spouse of any police officer, sheriff, deputy sheriff, corrections employee with
 13 the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-
 14 county correctional officer with the power of a peace officer pursuant to KRS
 15 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant
 16 to KRS 95.445, any police officer of a public institution of postsecondary education
 17 appointed pursuant to KRS 164.950, or any citation or safety officer appointed
 18 pursuant to KRS 83A.087 and 83A.088, firefighter, or member of the Kentucky
 19 National Guard on state active duty pursuant to KRS 38.030, or a member of a state
 20 National Guard or a Reserve component on federal active duty under Title 10 or 32
 21 of the United States Code who names Kentucky as home of record for military
 22 purposes, whose death occurs on or after July 1, 2002, or emergency medical
 23 personnel whose death occurs on or after June 30, 2016, as a direct result of an
 24 act in the line of duty shall receive a lump-sum payment of eighty thousand dollars
 25 (\$80,000) if there are no surviving children, which sum shall be paid by the State
 26 Treasurer from the general fund of the State Treasury. The spouse of any emergency
 27 medical services personnel whose death occurs on or after November 1, 2015, as a

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

7 For surviving children less than eighteen (18) years of age, the State Treasurer shall:

8 (a) Pay thirty-five thousand dollars (\$35,000) to the surviving children; and

9 (b) Hold forty-five thousand dollars (\$45,000) in trust divided into equal accounts
10 at appropriate interest rates for each surviving child until the child reaches the
11 age of eighteen (18) years.

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

15 (3) The Commission on Fire Protection Personnel Standards and Education shall be
16 authorized to promulgate administrative regulations establishing criteria and
17 procedures applicable to the administration of this section as it pertains to both paid
18 and volunteer firefighters, including but not limited to defining when a firefighter
19 has died in line of duty. Administrative hearings promulgated by administrative
20 regulation under authority of this subsection shall be conducted in accordance with
21 KRS Chapter 13B.

22 (4) The Justice and Public Safety Cabinet may promulgate administrative regulations
23 establishing criteria and procedures applicable to the administration of this section
24 as it pertains to police officers, any metropolitan or urban-county correctional
25 officers with the power of a peace officer pursuant to KRS 446.010, or any jailers or
26 deputy jailers, including but not limited to defining when one has died in line of
27 duty. Administrative hearings promulgated by administrative regulation under

1 authority of this subsection shall be conducted in accordance with KRS Chapter
2 13B.

3 (5) The Department of Corrections shall promulgate administrative regulations
4 establishing the criteria and procedures applicable to the administration of this
5 section as it pertains to correctional employees, including but not limited to defining
6 which employees qualify for coverage and which circumstances constitute death in
7 the line of duty.

8 (6) The Kentucky Board of Emergency Medical Services shall promulgate
9 administrative regulations establishing the criteria and procedures applicable to the
10 administration of this section as it pertains to emergency medical services
11 personnel, including but not limited to which employees or volunteers qualify for
12 coverage and which circumstances constitute death in the line of duty.

13 *(7) The Kentucky Division of Emergency Management shall promulgate*
14 *administrative regulations establishing the criteria and procedures applicable to*
15 *the administration of this section as it pertains to emergency management*
16 *personnel, including but not limited to determining which employees qualify for*
17 *coverage and which circumstances constitute death in the line of duty.*

18 ~~(8)~~[(7)] The estate of anyone whose spouse or surviving children would be eligible for
19 benefits under subsection (2) of this section, and the estate of any regular member
20 of the United States Armed Forces who names Kentucky as home of record for
21 military purposes whose death occurs as a direct result of an act in the line of duty,
22 shall be exempt from all probate fees, including but not limited to those established
23 by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or
24 imposed under KRS 24A.185, 64.012, and 172.180.

25 ~~(9)~~[(8)] The benefits payable under this section shall be in addition to any benefits
26 now or hereafter prescribed under any police, sheriff, firefighter's, volunteer
27 firefighter's, emergency medical services personnel, or National Guard or Reserve

1 retirement or benefit fund established by the federal government or by any state,
2 county, or any municipality.

3 ~~(10)~~⁽⁹⁾ Any funds appropriated for the purpose of paying the death benefits described
4 in subsection (2) of this section shall be allotted to a self-insuring account. These
5 funds shall not be used for the purpose of purchasing insurance.

6 ~~(11)~~⁽¹⁰⁾ (a) For the purposes of this section, if a firefighter dies as a result of cancer,
7 the death shall be a direct result of an act in the line of duty if the firefighter:

- 8 1. Was a firefighter for at least five (5) consecutive years;
- 9 2. Developed one (1) or more of the cancers listed in paragraph (b) of this
10 subsection which caused the firefighter's death within ten (10) years of
11 separation from service as a firefighter;
- 12 3. Did not use tobacco products for a period of ten (10) years prior to the
13 diagnosis of cancer;
- 14 4. Was under the age of sixty-five (65) at the time of death;
- 15 5. Was not diagnosed with any cancer prior to employment as a firefighter;
16 and
- 17 6. Was exposed while in the course of firefighting to a known carcinogen
18 as defined by the International Agency for Research on Cancer or the
19 National Toxicology Program, and the carcinogen is reasonably
20 associated with one (1) or more of the cancers listed in paragraph (b) of
21 this subsection.

22 (b) This section shall apply to the following cancers:

- 23 1. Bladder cancer;
- 24 2. Brain cancer;
- 25 3. Colon cancer;
- 26 4. Non-Hodgkin's lymphoma;
- 27 5. Kidney cancer;

- 1 6. Liver cancer;
- 2 7. Lymphatic or haematopoietic cancer;
- 3 8. Prostate cancer;
- 4 9. Testicular cancer;
- 5 10. Skin cancer;
- 6 11. Cervical cancer; and
- 7 12. Breast cancer.
- 8 (c) 1. The provisions of this subsection creating an entitlement to the line of
- 9 duty death benefits shall apply exclusively to this section and shall not
- 10 be interpreted or otherwise construed to create either an express or
- 11 implied presumption of work-relatedness for any type of claim filed
- 12 pursuant to KRS Chapter 342.
- 13 2. This paragraph is intended to provide clarification regarding the sole and
- 14 exclusive application of this subsection to only the benefits available
- 15 under this section and shall not be used as a bar or other type of
- 16 limitation to impair or alter the rights and ability of a claimant to prove
- 17 work-relatedness under KRS Chapter 342 or other laws.

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

19 **(1) As used in this section and Section 3 of this Act:**

20 **(a) "Emergency medical services personnel" means:**

- 21 **1. An emergency medical technician, paramedic, or first responder with**
- 22 **a nonprofit or public ambulance provider, as defined in KRS 311A; or**
- 23 **2. Any member of a rescue squad created pursuant to KRS 39F; and**

24 **(b) "Emergency management personnel" means any member of a local**

25 **emergency management agency created in KRS 39B.**

- 26 ~~(2)~~(1) (a) Any person whose parent or any nonmarried widow or widower whose
- 27 spouse;

1 1. Was a resident of the Commonwealth of Kentucky upon becoming a law
 2 enforcement officer, firefighter, ~~or~~ volunteer firefighter, **emergency**
 3 **management personnel, or emergency medical services personnel;** and

4 2. ~~who~~ Was killed while in active service or training for active service or
 5 who died as a result of a service-connected disability;

6 shall not be required to pay any matriculation or tuition fee upon admission to
 7 any state-supported university, community college, or vocational training
 8 institution.

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

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

12 2. **Any emergency medical services personnel or emergency management**
 13 **personnel who is killed or dies under the conditions covered in this**
 14 **subsection on or after June 30, 2016.**

15 **(c)**~~(b)~~ In order to obtain the benefits conferred by paragraph (a) of this
 16 subsection, the parent-child relationship shall be shown by birth certificate,
 17 adoption papers, or other documentary evidence. The spousal relationship
 18 shall be shown by a marriage certificate or other documentary evidence. The
 19 parent's or spouse's service and the cause of death shall be evidenced by
 20 certification from the records of the Kentucky Justice and Public Safety
 21 Cabinet, the appropriate city or county law enforcement agency which
 22 employed the deceased, the administrative agency for the fire department or
 23 fire protection district recognized for funding under KRS 95A.262,~~or~~ the
 24 administrative agency having jurisdiction over any paid firefighters of all
 25 counties and cities of all classes, **or the administrative agency having**
 26 **jurisdiction over the emergency medical services provider or emergency**
 27 **management personnel.**

1 ~~(3)~~~~(2)~~ (a) Any person whose parent or any nonmarried widow or widower whose
2 spouse was an employee participating in a state-administered retirement
3 system, and not otherwise covered by subsection ~~(2)~~~~(1)~~ of this section, and
4 who died as a result of a duty-related injury as described in KRS 61.621 shall
5 not be required to pay any matriculation or tuition fee upon admission to any
6 state-supported university, community college, or vocational training
7 institution.

8 (b) In order to obtain the benefits conferred by paragraph (a) of this subsection,
9 the parent-child relationship shall be shown by birth certificate, adoption
10 papers, or other documentary evidence. The spousal relationship shall be
11 shown by a marriage certificate or other documentary evidence. The parent's
12 or spouse's service and the cause of death shall be evidenced by certification
13 from the records of the employing agency or the appropriate retirement
14 system.

15 ~~(4)~~~~(3)~~ If one so admitted to a state-supported university, community college, or
16 vocational training institution under the provisions of this section shall have
17 obtained a cash scholarship paid or payable to the institution, from whatever source,
18 the amount of the scholarship shall be applied to the credit of the applicant in the
19 payment of incidental expenses of his attendance at the institution, and any balance,
20 if the terms of the scholarship permit, shall be returned to the applicant.

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

22 (1) (a) The spouse, regardless of age, and any child of a permanently and totally
23 disabled law enforcement officer, firefighter,~~[-or]~~ volunteer firefighter,
24 *emergency management personnel, or emergency medical services*
25 *personnel* injured while in active service or in training for active service, who
26 is over the age of seventeen (17) and under the age of twenty-three (23) shall
27 not be required to pay any matriculation or tuition fee upon his admission to

1 any state-supported university, community college, or vocational training
2 institution for a period not in excess of thirty-six (36) months in order to
3 obtain a diploma, nor in excess of the lesser number of months required for a
4 certificate of completion.

- 5 (b) For the spouse or child to be entitled to benefits under this section, the
6 disabled law enforcement officer, firefighter,~~[-or]~~ volunteer firefighter,
7 emergency management personnel, or emergency medical services
8 personnel shall be rated permanently and totally disabled for pension
9 purposes or one hundred percent (100%) disabled for compensation purposes
10 by the Kentucky Justice and Public Safety Cabinet, the appropriate city or
11 county law enforcement agency which employed the disabled, the
12 administrative agency for the fire department or fire protection district
13 recognized for funding under KRS 95A.262,~~[-or]~~ the administrative agency
14 having jurisdiction over any paid firefighters of all counties and cities of all
15 classes, or the administrative agency having jurisdiction over the emergency
16 medical services personnel or emergency management personnel; or, if
17 deceased, the claim to benefits is to be based on the rating held by the law
18 enforcement officer, firefighter,~~[-or]~~ volunteer firefighter, emergency
19 management personnel, or emergency medical services personnel at the
20 time of death. The parent's or spouse's service and rating shall be evidenced by
21 certification from the records of the Kentucky Justice and Public Safety
22 Cabinet, the appropriate local law enforcement agency, the administrative
23 agency for the fire department or fire protection district recognized for
24 funding under KRS 95A.262,~~[-or]~~ the administrative agency having
25 jurisdiction over any paid firefighters of all counties and cities of all classes,
26 or the administrative agency having jurisdiction over the emergency
27 medical services personnel or emergency management personnel.

- 1 (c) In the absence of certification of permanent and total disability by the
2 Kentucky Department of Workers' Claims, the Kentucky Justice and Public
3 Safety Cabinet, the appropriate local law enforcement agency, the
4 administrative agency for the fire department or fire protection district
5 recognized for funding under KRS 95A.262,~~[-or]~~ the administrative agency
6 having jurisdiction over any paid firefighters of all counties and cities of all
7 classes, **or the administrative agency having jurisdiction over the emergency**
8 **medical services personnel or emergency management personnel**, medical
9 evidence showing permanent and total disability or the existence of permanent
10 and total disability for a period of at least thirty (30) days immediately prior to
11 death may be accepted, if this evidence is signed by a physician licensed to
12 practice or an official of an accredited medical hospital.
- 13 (d) The parent-child relationship shall be shown by birth certificate, legal
14 adoption papers, or other documentary evidence. The spousal relationship
15 shall be shown by a marriage certificate or other documentary evidence.
- 16 (e) To entitle a spouse or child to benefits under this section the disabled law
17 enforcement officer, firefighter,~~[-or]~~ volunteer firefighter, **emergency**
18 **management personnel, or emergency medical services personnel** shall have
19 been a resident of the Commonwealth of Kentucky upon becoming a law
20 enforcement officer, firefighter,~~[-or]~~ volunteer firefighter, **emergency**
21 **management personnel, or emergency medical personnel**.
- 22 (2) (a) The spouse, regardless of age, and any child of a person who was an employee
23 participating in a state-administered retirement system and not otherwise
24 covered by subsection (1) of this section and who was disabled as a result of a
25 duty-related injury as described in KRS 61.621, who is over the age of
26 seventeen (17) and under the age of twenty-three (23) shall not be required to
27 pay any matriculation or tuition fee upon his admission to any state-supported

1 university, community college, or vocational training institution for a period
2 not in excess of thirty-six (36) months in order to obtain a diploma, nor in
3 excess of the lesser number of months required for a certificate of completion.

4 (b) The parent-child relationship shall be shown by birth certificate, legal
5 adoption papers, or other documentary evidence. The spousal relationship
6 shall be shown by a marriage certificate or other documentary evidence.

7 (3) The marriage of an eligible child shall not serve to deny full entitlement to the
8 benefits provided in this section.