

1 AN ACT relating to supplements paid to police officers, professional firefighters,
 2 and qualified volunteer fire departments, declaring an emergency, and making an
 3 appropriation therefor.

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

5 ➔Section 1. KRS 15.460 is amended to read as follows:

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

13 **(b) 1. In addition to the supplement, the eligible unit of local government**
 14 **shall receive**~~[, plus]~~ an amount equal to the required employer's
 15 contribution on the supplement to the defined benefit pension plan to
 16 which the officer belongs, but no more than the required employer's
 17 contribution to the County Employees Retirement System hazardous
 18 duty category. In the case of County Employees Retirement System
 19 membership, the pension contribution on the supplement shall be paid
 20 whether the officer enters the system under hazardous duty coverage or
 21 nonhazardous coverage.

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

25 **3.** Should the foundation program funds be insufficient to pay employer
 26 contributions to the system, then the total amount available for pension
 27 payments shall be prorated to each eligible government so that each

1 receives the same percentage of required pension costs attributable to the
2 cash salary supplement.

3 (c) 1. In addition to the payments received under paragraphs (a) and (b) of
4 this subsection, but only if sufficient funds are available to make all
5 payments required under paragraph (b) of this subsection, each city,
6 county, combination of cities and counties, or county sheriff's office of
7 the Commonwealth shall receive an administrative expense
8 reimbursement in an amount equal to seven and sixty-five one
9 hundredths percent (7.65%) of the total annual supplement received
10 greater than three thousand one hundred dollars (\$3,100) for each
11 qualified police officer it employs, subject to the cap established by
12 subparagraph 3. of this paragraph.

13 2. The city, county, combination of cities and counties, or county
14 sheriff's office of the Commonwealth may use the moneys received
15 under this paragraph in any manner it deems necessary to partially
16 cover the costs of administering the payments received under
17 paragraph (a) of 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 city, county,
23 combination of cities and counties, or county sheriff's office of the
24 Commonwealth so that each receives the same percentage attributable
25 to its total receipt of the cash salary supplement.

26 (2) The supplement provided in subsection (1) of this section shall be paid by the city,
27 county, combination of cities and counties, or county sheriff's office of the

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

- 9 (a) The Kentucky National Guard during any period of activation under Title 10
 10 or 32 of the United States Code or KRS 38.030; or
- 11 (b) Any reserve component of the United States Armed Forces during any period
 12 of activation with the United States Armed Forces.
- 13 (3) (a) Each qualified sheriff who receives the maximum salary allowed by Section
 14 246 of the Kentucky Constitution and KRS 64.527 shall not receive a
 15 supplement.
- 16 (b) Each qualified sheriff who does not receive the maximum salary allowed by
 17 Section 246 of the Kentucky Constitution and KRS 64.527, excluding the
 18 expense allowance provided by KRS 70.170, shall upon annual settlement
 19 with the fiscal court under KRS 134.192, receive that portion of the
 20 supplement that will not cause his or her compensation to exceed the
 21 maximum salary.
- 22 (c) Each qualified sheriff who seeks to participate in the fund shall forward a
 23 copy of the annual settlement prepared under KRS 134.192 to the fund. The
 24 sheriff shall reimburse the fund if an audit of the annual settlement conducted
 25 pursuant to KRS 134.192 reflects that the sheriff received all or a portion of
 26 the supplement in violation of this section. A sheriff who fails to provide a
 27 copy of the annual settlement to the fund or to reimburse the fund after

1 correction by audit, if required, shall not be qualified to participate in the fund
2 for a period of two (2) years.

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

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

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

17 ➔Section 2. KRS 95A.250 is amended to read as follows:

18 (1) (a) ~~[Beginning July 1, 1982,]~~An eligible local government shall be entitled to
19 receive~~[annually a supplement of two thousand seven hundred fifty dollars~~
20 ~~(\$2,750) for each qualified professional firefighter it employs, and beginning~~
21 ~~on July 1, 1999,]~~ an annual supplement of three thousand dollars (\$3,000)
22 **and, beginning July 1, 2018, an annual supplement of four thousand**
23 **dollars (\$4,000).** for each qualified professional firefighter it employs, plus an
24 amount equal to the required employer's contribution on the supplement to the
25 defined benefit pension plan, or to a plan qualified under Section 401(a) or
26 Section 457 of the Internal Revenue Code of 1954 as amended.

27 (b) The employer's contribution to any of these plans on the supplement shall not

1 exceed the required employer's contribution to the County Employees
2 Retirement System pursuant to KRS Chapter 78 for the hazardous duty
3 category. The pension contribution on the supplement shall be paid whether
4 the professional firefighter entered the system under hazardous duty coverage
5 or nonhazardous coverage.

6 (c) The local unit of government shall pay the amount received for retirement
7 coverage to the appropriate retirement system to cover the required employer
8 contribution on the supplement.

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

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

22 2. The local government may use the moneys received under this
23 paragraph in any manner it deems necessary to partially cover the
24 costs of administering the payments received under paragraph (a) of
25 this subsection.

26 3. The total amount distributed under this paragraph shall not exceed
27 the total sum of two hundred fifty thousand dollars (\$250,000) for

1 *each fiscal year. If there are insufficient funds to provide for full*
2 *reimbursement as provided in subparagraph 1. of this paragraph, then*
3 *the amount shall be distributed pro rata to each eligible local*
4 *government so that each receives the same percentage attributable to*
5 *its total receipt of the cash salary supplement.*

6 (2) (a) Each qualified professional firefighter, whose local government receives a
7 supplement pursuant to subsection (1)(a) of this section, shall receive
8 distribution of the supplement from that local government in twelve (12) equal
9 monthly installments with his or her pay for the last pay period of each month.
10 The monthly distribution shall be calculated by dividing the supplement
11 amount set forth in subsection (1)(a) of this section by twelve (12).

12 (b) The supplement disbursed to a qualified professional firefighter pursuant to
13 this section shall not be considered "wages" as defined by KRS
14 337.010(1)(c)1. and shall not be included in the hourly wage rate for
15 calculation of overtime pursuant to KRS 337.285 for scheduled overtime. The
16 supplement shall be included in the hourly wage rates for calculation of
17 overtime for unscheduled overtime pursuant to KRS 337.285.

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

27 (3) Beginning July 1, 2006:

1 (a) The Kentucky Community and Technical College System shall be entitled to
2 receive annually a supplement equal to the amount determined in subsection
3 (1) of this section for each Kentucky fire and rescue training coordinator
4 employed by the Kentucky Community and Technical College System who
5 meets the qualifications for individual firefighters required in KRS 95A.230,
6 plus an amount equal to the required employer's contribution on the
7 supplement to the defined benefit pension plan; and

8 (b) The Department of Military Affairs shall be entitled to receive annually a
9 supplement equal to the amount determined in subsection (1) of this section
10 for each civilian firefighter employed by the Department of Military Affairs
11 who meets the qualifications for individual firefighters required in KRS
12 95A.230, plus an amount equal to the required employer's contribution on the
13 supplement to the defined benefit pension plan.

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

20 ➔Section 3. KRS 95A.262 is amended to read as follows:

21 (1) The Commission on Fire Protection Personnel Standards and Education shall, in
22 cooperation with the Cabinet for Health and Family Services, develop and
23 implement a continuing program to inoculate every paid and volunteer firefighter in
24 Kentucky against hepatitis B. The program shall be funded from revenues allocated
25 to the Firefighters Foundation Program fund pursuant to KRS 136.392 and 42.190.
26 Any fire department which has inoculated its personnel during the period of July 1,
27 1991 to July 14, 1992, shall be reimbursed from these revenues for its costs incurred

1 up to the amount allowed by the Cabinet for Health and Family Services~~[Human~~
2 ~~Resources]~~ for hepatitis B inoculations.

3 (2) Except as provided in subsection (3) of this section, the Commission on Fire
4 Protection Personnel Standards and Education shall allot on an annual basis a share
5 of the funds accruing to and appropriated for volunteer fire department aid to
6 volunteer fire departments in cities of all classes, fire protection districts organized
7 pursuant to KRS Chapter 75, county districts established under authority of KRS
8 67.083, and volunteer fire departments created as nonprofit corporations pursuant to
9 KRS Chapter 273. The commission shall allot~~[eight thousand dollars (\$8,000)~~
10 ~~annually to each qualifying department, and beginning on July 1, 2001, the~~
11 ~~commission shall allot]~~ eight thousand two hundred fifty dollars (\$8,250) **annually,**
12 **and beginning on July 1, 2018, the commission shall allot eleven thousand**
13 **dollars (\$11,000)** annually to each qualifying department. Any qualifying
14 department which fails to participate satisfactorily in the Kentucky fire incident
15 reporting system as described in KRS 304.13-380 shall forfeit annually five hundred
16 dollars (\$500) of its allotment. If two (2) or more qualified volunteer fire
17 departments, as defined in KRS 95A.500 to 95A.560, merge after January 1, 2000,
18 then the allotment shall be in accordance with the provisions of KRS 95A.500 to
19 95A.560. Administrative regulations for determining qualifications shall be based
20 on the number of both paid firefighters and volunteer firemen within a volunteer
21 fire department, the amount of equipment, housing facilities available, and such
22 other matters or standards as will best effect the purposes of the volunteer fire
23 department aid law. A qualifying department shall include at least twelve (12)
24 firefighters, a chief, and at least one (1) operational fire apparatus or one (1) on
25 order. Fifty percent (50%) of the firefighters shall have completed at least one-half
26 (1/2) of one hundred fifty (150) training hours, or as otherwise established by the
27 commission under KRS 95A.240(6), toward certification within the first six (6)

1 months of the first year of the department's application for certification, and there
2 shall 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 the second
4 year. These personnel, equipment, and training requirements shall not be made
5 more stringent by the promulgation of administrative regulations. No allotment
6 shall exceed the total value of the funds, equipment, lands, and buildings made
7 available to the local fire units from any source whatever for the year in which the
8 allotment is made. A portion of the funds provided for above may be used to
9 purchase group or blanket health insurance and shall be used to purchase workers'
10 compensation insurance, and the remaining funds shall be distributed as set forth in
11 this section.

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

26 (4) Applications for funding low-interest loans and firefighters' training centers shall be
27 submitted to the Commission on Fire Protection Personnel Standards and Education

1 for their recommendation, approval, disapproval, or modification. The commission
2 shall review applications periodically, and shall, subject to funds available,
3 recommend which applications shall be funded and at what levels, together with any
4 terms and conditions the commission deems necessary.

5 (5) Any department or entity eligible for and receiving funding pursuant to this section
6 shall have a minimum of fifty percent (50%) of its personnel certified as recognized
7 by the Commission on Fire Protection Personnel Standards and Education.

8 (6) Upon the written request of any department, the Commission on Fire Protection
9 Personnel Standards and Education shall make available a certified training
10 program in a county of which such department is located.

11 (7) The amount of reimbursement for any given year for costs incurred by the Kentucky
12 Community and Technical College System for administering these funds, including
13 but not limited to the expenses and costs of commission operations, shall be
14 determined by the commission and shall not exceed five percent (5%) of the total
15 amount of moneys accruing to the Firefighters Foundation Program fund which are
16 allotted for the purposes specified in this section during any fiscal year.

17 (8) The commission shall withhold from the general distribution of funds under
18 subsection (2) of this section an amount which it deems sufficient to reimburse
19 volunteer fire departments for equipment lost or damaged beyond repair due to
20 hazardous material incidents.

21 (9) Moneys withheld pursuant to subsection (8) of this section shall be distributed only
22 under the following terms and conditions:

23 (a) A volunteer fire department has lost or damaged beyond repair items of
24 personal protective clothing or equipment due to that equipment having been
25 lost or damaged as a result of an incident in which a hazardous material (as
26 defined in any state or federal statute or regulation) was the causative agent of
27 the loss;

- 1 (b) The volunteer fire department has made application in writing to the
2 commission for reimbursement in a manner approved by the commission and
3 the loss and the circumstances thereof have been verified by the commission;
- 4 (c) The loss of or damage to the equipment has not been reimbursed by the person
5 responsible for the hazardous materials incident or by any other person;
- 6 (d) The commission has determined that the volunteer fire department does not
7 have the fiscal resources to replace the equipment;
- 8 (e) The commission has determined that the equipment sought to be replaced is
9 immediately necessary to protect the lives of the volunteer firefighters of the
10 fire department;
- 11 (f) The fire department has agreed in writing to subrogate all claims for and rights
12 to reimbursement for the lost or damaged equipment to the Commonwealth to
13 the extent that the Commonwealth provides reimbursement to the department;
14 and
- 15 (g) The department has shown to the satisfaction of the commission that it has
16 made reasonable attempts to secure reimbursement for its losses from the
17 person responsible for the hazardous materials incident and has been
18 unsuccessful in the effort.
- 19 (10) If a volunteer fire department has met all of the requirements of subsection (9) of
20 this section, the commission may authorize a reimbursement of equipment losses
21 not exceeding ten thousand dollars (\$10,000) or the actual amount of the loss,
22 whichever is less.
- 23 (11) Moneys which have been withheld during any fiscal year which remain unexpended
24 at the end of the fiscal year shall be distributed in the normal manner required by
25 subsection (2) of this section during the following fiscal year.
- 26 (12) No volunteer fire department may receive funding for equipment losses more than
27 once during any fiscal year.

- 1 (13) The commission shall make reasonable efforts to secure reimbursement from the
2 responsible party for any moneys awarded to a fire department pursuant to this
3 section.
- 4 (14) There shall be allotted each year of the 1992-93 biennium one million dollars
5 (\$1,000,000), and each year of the 1994-95, 1996-97, 1998-99, and 2000-01
6 bienniums one million dollars (\$1,000,000) of the insurance premium surcharge
7 proceeds accruing to the Firefighters Foundation Program fund for the purpose of
8 creating a revolving low-interest loan fund, which shall thereafter be self-sufficient
9 and derive its operating revenues from principal and interest payments. The
10 commission, in accordance with the procedures in subsection (4) of this section,
11 may make low-interest loans, and the interest thereon shall not exceed three percent
12 (3%) annually or the amount needed to sustain operating expenses of the loan fund,
13 whichever is less, to volunteer fire departments for the purposes of major equipment
14 purchases and facility construction. Loans shall be made to departments which
15 achieve the training standards necessary to qualify for volunteer fire department aid
16 allotted pursuant to subsection (2) of this section, and which do not have other
17 sources of funds at rates which are favorable given their financial resources. The
18 proceeds of loan payments shall be returned to the loan fund for the purpose of
19 providing future loans. If a department does not make scheduled loan payments, the
20 commission may withhold any grants payable to the department pursuant to
21 subsection (2) of this section until the department is current on its payments. Money
22 in the low-interest loan fund shall be used only for the purposes specified in this
23 subsection. Any funds remaining in the fund at the end of a fiscal year shall be
24 carried forward to the next fiscal year for the purposes of the fund.
- 25 (15) For fiscal year 2004-2005 and each fiscal year thereafter, there is allotted one
26 million dollars (\$1,000,000) from the fund established in KRS 95A.220 to be used
27 by the commission to conduct training-related activities.

- 1 (16) If funding is available from the fund established in KRS 95A.220, the Commission
2 on Fire Protection Personnel Standards and Education may implement the
3 following:
- 4 (a) A program to prepare emergency service personnel for handling potential
5 man-made and non-man-made threats. The commission shall work in
6 conjunction with the state fire marshal and other appropriate agencies and
7 associations to identify and make maps of gas transmission and hazardous
8 liquids pipelines in the state;
 - 9 (b) A program to provide and maintain a mobile test facility in each training
10 region established by the Commission on Fire Protection Personnel Standards
11 and Education with equipment to administer Comprehensive Physical
12 Aptitude Tests (CPAT) to ascertain a firefighter's ability to perform the
13 physical requirements necessary to be an effective and safe firefighter;
 - 14 (c) A program to provide defensive driving training tactics to firefighters. The
15 commission shall purchase, instruct in the use of, and maintain mobile
16 equipment in each of the training regions, and fund expenses related to
17 equipment replacement;
 - 18 (d) A program to annually evaluate equipment adequacy and to provide for annual
19 physical examinations for instructors, adequate protective clothing and
20 personal equipment to meet NFPA guidelines, and to establish procedures for
21 replacing this equipment as needed;
 - 22 (e) A program to establish a rotational expansion and replacement program for
23 mobile fleet equipment currently used for training and recertification of fire
24 departments;
 - 25 (f) A program to expand and update current EMS, first responder, EMT, and
26 paramedic training and certification instruction; and
 - 27 (g) A program to purchase thermal vision devices to comply with the provisions

1 of KRS 95A.400 to 95A.440.

2 ➔Section 4. Whereas the authorization of supplements should be coordinated
3 with the beginning of the fiscal year, an emergency is declared to exist, and this Act takes
4 effect upon its passage and approval by the Governor or upon its otherwise becoming a
5 law.