

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) Except as provided in subsection (4)(a) of this section, beginning on July 1,  
7 2017~~[July 15, 1998]~~, an eligible local unit of government shall be entitled to receive  
8 annually a supplement of four thousand dollars (\$4,000)~~[two thousand seven~~  
9 ~~hundred fifty dollars (\$2,750)]~~ for each qualified police officer it employs, ~~and~~  
10 ~~beginning on July 1, 1999, an annual supplement of three thousand dollars (\$3,000)~~  
11 ~~for each qualified police officer it employs,~~ plus an amount equal to the required  
12 employer's contribution on the supplement to the defined benefit pension plan to  
13 which the officer belongs, but no more than the required employer's contribution to  
14 the County Employees Retirement System hazardous duty category. In the case of  
15 County Employees Retirement System membership, the pension contribution on the  
16 supplement shall be paid whether the officer enters the system under hazardous duty  
17 coverage or nonhazardous coverage. The local unit of government shall pay the  
18 amount received for retirement coverage to the appropriate retirement system to  
19 cover the required employer contribution on the pay supplement. Should the  
20 foundation program funds be insufficient to pay employer contributions to the  
21 system, then the total amount available for pension payments shall be prorated to  
22 each eligible government so that each receives the same percentage of required  
23 pension costs attributable to the cash salary supplement.
- 24 (2) Each qualified police officer, whose local government receives a supplement  
25 pursuant to subsection (1) of this section, shall be paid by the local government the  
26 supplement which his or her qualifications brought to the local government. The  
27 supplement paid each police officer shall be in addition to his or her regular salary

1 and, except as provided in subsection (4)(b) of this section, shall continue to be paid  
2 to an officer who is a member of:

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

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

7 (3) (a) Each qualified sheriff who receives the maximum salary allowed by Section  
8 246 of the Kentucky Constitution and KRS 64.527 shall not receive a  
9 supplement.

10 (b) Each qualified sheriff who does not receive the maximum salary allowed by  
11 Section 246 of the Kentucky Constitution and KRS 64.527, excluding the  
12 expense allowance provided by KRS 70.170, shall upon annual settlement  
13 with the fiscal court under KRS 134.192, receive that portion of the  
14 supplement that will not cause his or her compensation to exceed the  
15 maximum salary.

16 (c) Each qualified sheriff who seeks to participate in the fund shall forward a  
17 copy of the annual settlement prepared under KRS 134.192 to the fund. The  
18 sheriff shall reimburse the fund if an audit of the annual settlement conducted  
19 pursuant to KRS 134.192 reflects that the sheriff received all or a portion of  
20 the supplement in violation of this section. A sheriff who fails to provide a  
21 copy of the annual settlement to the fund or to reimburse the fund after  
22 correction by audit, if required, shall not be qualified to participate in the fund  
23 for a period of two (2) years.

24 (d) Each qualified deputy sheriff shall receive the supplement from the sheriff if  
25 the sheriff administers his or her own budget or from the county treasurer if  
26 the sheriff pools his or her fees. The failure of a sheriff to comply with the  
27 provisions of this section shall not affect the qualification of his or her

1 deputies to participate in the fund.

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

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

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

12 (1) (a) Beginning on July 1, 2017~~[July 1, 1982]~~, an eligible local government shall  
13 be entitled to receive annually a supplement of four thousand dollars  
14 (\$4,000)~~[two thousand seven hundred fifty dollars (\$2,750) for each qualified~~  
15 ~~professional firefighter it employs, and beginning on July 1, 1999, an annual~~  
16 ~~supplement of three thousand dollars (\$3,000)]~~ for each qualified professional  
17 firefighter it employs, plus an amount equal to the required employer's  
18 contribution on the supplement to the defined benefit pension plan, or to a  
19 plan qualified under Section 401(a) or Section 457 of the Internal Revenue  
20 Code of 1954 as amended.

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

27 (c) The local unit of government shall pay the amount received for retirement

1 coverage to the appropriate retirement system to cover the required employer  
2 contribution on the supplement.

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

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

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

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

1 (3) Beginning July 1, 2006:

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

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

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

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

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

1 1991 to July 14, 1992, shall be reimbursed from these revenues for its costs incurred  
2 up to the amount allowed by the Cabinet for Human Resources for hepatitis B  
3 inoculations.

4 (2) Except as provided in subsection (3) of this section, the Commission on Fire  
5 Protection Personnel Standards and Education shall allot on an annual basis a share  
6 of the funds accruing to and appropriated for volunteer fire department aid to  
7 volunteer fire departments in cities of all classes, fire protection districts organized  
8 pursuant to KRS Chapter 75, county districts established under authority of KRS  
9 67.083, and volunteer fire departments created as nonprofit corporations pursuant to  
10 KRS Chapter 273. **Beginning on July 1, 2017,** the commission shall allot **eleven**  
11 **thousand dollars (\$11,000)**~~eight thousand dollars (\$8,000)]~~ annually to each  
12 qualifying department~~], and beginning on July 1, 2001, the commission shall allot~~  
13 ~~eight thousand two hundred fifty dollars (\$8,250) annually to each qualifying~~  
14 ~~department].~~ Any qualifying department which fails to participate satisfactorily in  
15 the Kentucky fire incident reporting system as described in KRS 304.13-380 shall  
16 forfeit annually five hundred dollars (\$500) of its allotment. If two (2) or more  
17 qualified volunteer fire departments, as defined in KRS 95A.500 to 95A.560, merge  
18 after January 1, 2000, then the allotment shall be in accordance with the provisions  
19 of KRS 95A.500 to 95A.560. Administrative regulations for determining  
20 qualifications shall be based on the number of both paid firefighters and volunteer  
21 firemen within a volunteer fire department, the amount of equipment, housing  
22 facilities available, and such other matters or standards as will best effect the  
23 purposes of the volunteer fire department aid law. A qualifying department shall  
24 include at least twelve (12) firefighters, a chief, and at least one (1) operational fire  
25 apparatus or one (1) on order. Fifty percent (50%) of the firefighters shall have  
26 completed at least one-half (1/2) of one hundred fifty (150) training hours, or as  
27 otherwise established by the commission under KRS 95A.240(6), toward

1 certification within the first six (6) months of the first year of the department's  
2 application for certification, and there shall be a plan to complete the one hundred  
3 fifty (150) training hours, or as otherwise established by the commission by KRS  
4 95A.240(6), within the second year. These personnel, equipment, and training  
5 requirements shall not be made more stringent by the promulgation of  
6 administrative regulations. No allotment shall exceed the total value of the funds,  
7 equipment, lands, and buildings made available to the local fire units from any  
8 source whatever for the year in which the allotment is made. A portion of the funds  
9 provided for above may be used to purchase group or blanket health insurance and  
10 shall be used to purchase workers' compensation insurance, and the remaining funds  
11 shall be distributed as set forth in 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.