

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 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":

19 (a) Means:

20 1. A full-time member of:

21 a. A lawfully organized police department of county, urban-county or  
22 city government;~~[,]~~

23 b. A sheriff or full-time deputy sheriff, including any sheriff  
24 providing court security or appointed under KRS 70.030; or

25 c. ***The Department of Kentucky State Police;***~~[,]~~ or

26 2. A ~~[state or]~~public university police officer, employee of a state agency,  
27 or employee of a local school district, who is responsible for the

1 prevention and detection of crime and the enforcement of the general  
2 criminal laws of the state;~~[-]~~ but

3 (b) Does not include ~~{Department of Kentucky State Police,}~~ any sheriff who  
4 earns the maximum constitutional salary for this office, any special deputy  
5 sheriff appointed under KRS 70.045, any constable, deputy constable, district  
6 detective, deputy district detective, special local peace officer, auxiliary police  
7 officer, or any other peace officer not specifically authorized in KRS 15.410 to  
8 15.510;~~[-]~~

9 (3) "Unit of government" means any city, county, combination of cities and  
10 counties, public university, state agency, local school district, or county sheriff's  
11 office of the Commonwealth; and~~"Council" means the Kentucky Law~~  
12 ~~Enforcement Council.~~

13 (4) "Validated job task analysis" means the core job description which describes the  
14 minimum entry level requirements, qualifications, and training requirements for  
15 peace officers in the Commonwealth, which is based upon an actual survey and  
16 study of police officer duties and responsibilities conducted by an entity recognized  
17 by the~~{Kentucky Law Enforcement}~~ council as being competent to conduct such a  
18 study.

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

20 (1) Each~~{local}~~ unit of government which meets the following requirements shall be  
21 eligible to share in the distribution of funds from the Law Enforcement Foundation  
22 Program fund:

- 23 (a) Employs one (1) or more police officers;
- 24 (b) Pays every police officer at least the minimum federal wage;
- 25 (c) Requires all police officers to have, at a minimum,~~{Maintains the minimum~~  
26 ~~educational requirement of}~~ a high school degree, or its equivalent as  
27 determined by the~~{Kentucky Law Enforcement}~~ council, except that each

1        police officer employed prior to the date on which the officer's department  
2        was included as a participant under KRS 15.410 to 15.510 for employment  
3        of police officers on or after July 1, 1972, and for all sheriffs appointed or  
4        elected on or after July 15, 1998, and all deputy sheriffs, and state or public  
5        university police officers employed after July 15, 1998; provided, however,  
6        that all police officers employed prior to July 1, 1972, shall be deemed to have  
7        met the requirements of this subsection, and that all sheriffs serving in office  
8        on July 15, 1998, all deputy sheriffs, and state or public university police,  
9        employed prior to July 15, 1998,] shall be deemed to have met the  
10       requirements of this subsection;

- 11       (d) 1.    Requires all police officers~~[ employed on or after July 1, 1972, and all~~  
12       sheriffs appointed or elected on or after July 15, 1998, and deputy  
13       sheriffs, and state or public university police officers employed on or  
14       after January 1, 1998,] to successfully complete a basic training course  
15       of nine hundred twenty-eight (928) hours' duration within one (1) year of  
16       the date of employment at a school certified or recognized by the~~[~~  
17       ~~Kentucky Law Enforcement]~~ council, which may provide a different  
18       number of hours of instruction as established in this paragraph, except  
19       that each police officer employed prior to the date on which the  
20       officer's department was included as a participant under KRS 15.410  
21       to 15.510~~[. All sheriffs serving in office on July 15, 1998, all deputy~~  
22       sheriffs, and state or public university police, employed prior to January  
23       1, 1998,] shall be deemed to have met the requirements of this  
24       subsection.
- 25       2.    As the exclusive method by which the number of hours required for  
26       basic training courses shall be modified from that which is specifically  
27       established by this paragraph, the council may, by the promulgation of

1 administrative regulations in accordance with the provisions of KRS  
2 Chapter 13A, explicitly set the exact number of hours for basic training  
3 at a number different from nine~~[from nine]~~ hundred twenty-eight (928)  
4 hours based upon a training curriculum approved by the ~~[Kentucky Law~~  
5 ~~Enforcement]~~ council as determined by a validated job task analysis.

6 3. If the council sets an exact number of hours different from nine hundred  
7 twenty-eight (928) in an administrative regulation as set out in this  
8 paragraph, it shall not further change the number of hours required for  
9 basic training without promulgating administrative regulations in  
10 accordance with the provisions of KRS Chapter 13A.

11 4. Nothing in this paragraph shall be interpreted to prevent the council  
12 pursuant to its authority under KRS 15.330 from approving training  
13 schools with a curriculum requiring attendance of a number of hours that  
14 exceeds nine hundred twenty-eight (928) hours or the number of hours  
15 established in an administrative regulation set out by subparagraphs 2.  
16 and 3. of this paragraph. However, the training programs and schools for  
17 the basic training of law enforcement personnel conducted by the  
18 department pursuant to KRS 15A.070 shall not contain a curriculum that  
19 requires attendance of a number of hours for basic training that is  
20 different from nine hundred twenty-eight (928) hours or the number of  
21 hours established in an administrative regulation promulgated by the  
22 council pursuant to the provisions of KRS Chapter 13A as set out by  
23 subparagraphs 2. and 3. of this paragraph;

24 (e) Requires all police officers~~[, whether originally employed before or after July~~  
25 ~~1, 1972, and all sheriffs appointed or elected before, on, or after July 15, 1998,~~  
26 ~~and all deputy sheriffs and state or public police officers employed before, on,~~  
27 ~~or after July 15, 1998,]~~ to successfully complete each calendar year an in-

1 service training course, appropriate to the officer's rank and responsibility and  
2 the size and location of the officer's~~this~~ department, of forty (40) hours'  
3 duration, of which the number of hours shall not be changed by the council, at  
4 a school certified or recognized by the~~Kentucky Law Enforcement~~ council.  
5 This requirement shall be waived for the period of time that a peace officer is  
6 serving on active duty in the United States Armed Forces. This waiver shall be  
7 retroactive for peace officers from the date of September 11, 2001;

8 (f) Complies~~Requires compliance~~ with all provisions of law applicable to  
9 police officers or police departments~~local police, state or public university~~  
10 ~~police, or sheriffs and their deputies~~, including transmission of data to the  
11 centralized criminal history record information system as required by KRS  
12 17.150;

13 (g) Complies~~Requires compliance~~ with all~~reasonable~~ rules and regulations,  
14 appropriate to the size and location of the~~local~~ police department~~, state or~~  
15 ~~public university police department, or sheriff's office,~~ issued by the Justice  
16 and Public Safety Cabinet to facilitate the administration of the fund and  
17 further the purposes of KRS 15.410 to 15.510;

18 (h) Possesses a written policy and procedures manual related to domestic violence  
19 for law enforcement agencies that~~meets the standards set forth by, and~~ has  
20 been approved by~~,~~ the Justice and Public Safety Cabinet. The policy shall  
21 comply with the provisions of KRS 403.715 to 403.785. The policy shall  
22 include a purpose statement~~statements~~; definitions; supervisory  
23 responsibilities; procedures for twenty-four (24) hour access to protective  
24 orders; procedures for enforcement of court orders or relief when protective  
25 orders are violated; procedures for timely and contemporaneous reporting of  
26 adult abuse and domestic violence to the Cabinet for Health and Family  
27 Services~~Families and Children~~, Department for Community Based Services;

- 1 victim rights, assistance, and service responsibilities; and duties related to  
2 timely completion of records; and
- 3 (i) Possesses by January 1, 2017, a written policy and procedures manual related  
4 to sexual assault examinations that meets the standards set forth by, and has  
5 been approved by, the Justice and Public Safety Cabinet, and which includes:
- 6 1. A requirement that evidence collected as a result of an examination  
7 performed under KRS 216B.400 be taken into custody within five (5)  
8 days of notice from the collecting facility that the evidence is available  
9 for retrieval;
- 10 2. A requirement that evidence received from a collecting facility relating  
11 to an incident which occurred outside the jurisdiction of the department  
12 be transmitted to a department with jurisdiction within ten (10) days of  
13 its receipt by the department;
- 14 3. A requirement that all evidence retrieved from a collecting facility under  
15 this paragraph be transmitted to the Department of Kentucky State  
16 Police forensic laboratory within thirty (30) days of its receipt by the  
17 department;
- 18 4. A requirement that a suspect standard, if available, be transmitted to the  
19 Department of Kentucky State Police forensic laboratory with the  
20 evidence received from a collecting facility; and
- 21 5. A process for notifying the victim from whom the evidence was  
22 collected of the progress of the testing, whether the testing resulted in a  
23 match to other DNA samples, and if the evidence is to be destroyed. The  
24 policy may include provisions for delaying notice until a suspect is  
25 apprehended or the office of the Commonwealth's attorney consents to  
26 the notification, but shall not automatically require the disclosure of the  
27 identity of any person to whom the evidence matched.

- 1 (2) ~~A[No local]~~ unit of government which meets the criteria of this section shall be  
 2 eligible to continue sharing in the distribution of funds from the Law Enforcement  
 3 Foundation Program fund only if~~[unless]~~ the~~[local]~~ police department remains in  
 4 compliance~~[, state or public university police department, or sheriff's office actually~~  
 5 ~~begins and continues to comply]~~ with the requirements of this section~~;~~ ~~provided,~~  
 6 ~~further, that no local unit shall be eligible to share in the distribution of funds from~~  
 7 ~~the Law Enforcement Foundation Program fund until the local police department,~~  
 8 ~~state or public university police department, or sheriff's office has substantially~~  
 9 ~~complied with subsection (1)(f) and (g) of this section].~~
- 10 (3) Deputies employed by a sheriff's office shall be eligible to participate~~[not lose~~  
 11 ~~eligibility to share]~~ in the distribution of funds from the Law Enforcement  
 12 Foundation Program fund regardless of participation by~~[if]~~ the sheriff~~[does not~~  
 13 ~~participate in the Law Enforcement Foundation Program fund].~~
- 14 (4) Failure to meet a deadline established in a policy adopted pursuant to subsection  
 15 (1)(i) of this section for the retrieval or submission of evidence shall not be a basis  
 16 for a dismissal of a criminal action or a bar to the admissibility of the evidence in a  
 17 criminal action.

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

- 19 (1) (a) Except as provided in subsection (4)(a) of this section,~~[beginning July 15,~~  
 20 ~~1998,]~~ an eligible~~[local]~~ unit of government shall be entitled to receive~~[~~  
 21 ~~annually a supplement of two thousand seven hundred fifty dollars (\$2,750)~~  
 22 ~~for each qualified police officer it employs, and beginning on July 1, 1999,]~~ an  
 23 annual supplement of three thousand dollars (\$3,000) for each qualified police  
 24 officer it employs. The supplement amount shall be increased to four  
 25 thousand dollars (\$4,000) beginning July 1, 2018.
- 26 (b) 1. In addition to the supplement, the unit of government shall receive~~[,~~  
 27 ~~plus]~~ an amount equal to the required employer's contribution on the

1 supplement to the defined benefit pension plan and duty category to  
2 which the officer belongs[, but no more than the required employer's  
3 contribution to the County Employees Retirement System hazardous  
4 duty category]. In the case of County Employees Retirement System  
5 membership, the pension contribution on the supplement shall be paid  
6 whether the officer enters the system under hazardous duty coverage or  
7 nonhazardous coverage. The amounts specified in this paragraph shall  
8 include a proportionate amount for any supplemental contributions  
9 employers are required to make to any retirement system.

10 2. The[~~local~~] unit of government shall pay the amount received for  
11 retirement coverage to the appropriate retirement system to cover the  
12 required employer contribution on the pay supplement.

13 3. Should the foundation program funds be insufficient to pay employer  
14 contributions to the system, then the total amount available for pension  
15 payments shall be prorated to each eligible government so that each  
16 receives the same percentage of required pension costs attributable to the  
17 cash salary supplement.

18 (c) 1. In addition to the payments received under paragraphs (a) and (b) of  
19 this subsection, but only if sufficient funds are available to make all  
20 payments required under paragraph (b) of this subsection, each unit  
21 of government shall receive an administrative expense reimbursement  
22 in an amount equal to seven and sixty-five one hundredths percent  
23 (7.65%) of the total annual supplement received greater than three  
24 thousand one hundred dollars (\$3,100) for each qualified police  
25 officer it employs, subject to the cap established by subparagraph 3. of  
26 this paragraph.

27 2. The unit of government may use the moneys received under this

1 paragraph in any manner it deems necessary to partially cover the  
2 costs of administering the payments received under paragraph (a) of  
3 this subsection.

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

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

- 20 (a) The Kentucky National Guard during any period of activation under Title 10  
21 or 32 of the United States Code or KRS 38.030; or  
22 (b) Any reserve component of the United States Armed Forces during any period  
23 of activation with the United States Armed Forces.

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

27 (b) ~~A~~~~[Each]~~ qualified sheriff who does not receive the maximum salary allowed

1 by Section 246 of the Kentucky Constitution and KRS 64.527, excluding the  
2 expense allowance provided by KRS 70.170, shall upon annual settlement  
3 with the fiscal court under KRS 134.192, receive that portion of the  
4 supplement that will not cause his or her compensation to exceed the  
5 maximum salary.

6 (c) ~~At Each~~ qualified sheriff who seeks to participate in the fund shall forward a  
7 copy of the annual settlement prepared under KRS 134.192 to the fund. The  
8 sheriff shall reimburse the fund if an audit of the annual settlement conducted  
9 pursuant to KRS 134.192 reflects that the sheriff received all or a portion of  
10 the supplement in violation of this section. A sheriff who fails to provide a  
11 copy of the annual settlement to the fund or to reimburse the fund after  
12 correction by audit, if required, shall not be qualified to participate in the fund  
13 for a period of two (2) years.

14 (d) ~~At Each~~ qualified deputy sheriff shall receive the supplement from the sheriff  
15 if the sheriff administers his or her own budget or from the county treasurer if  
16 the sheriff pools his or her fees. The failure of a sheriff to comply with the  
17 provisions of this section shall not affect the qualification of his or her  
18 deputies to participate in the fund.

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

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

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

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

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

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

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

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

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

- 1 (b) The employer's contribution to any of these plans on the supplement shall not  
2 exceed the required employer's contribution to the County Employees  
3 Retirement System pursuant to KRS Chapter 78 for the hazardous duty  
4 category. The pension contribution on the supplement shall be paid whether  
5 the professional firefighter entered the system under hazardous duty coverage  
6 or nonhazardous coverage.
- 7 (c) The local unit of government shall pay the amount received for retirement  
8 coverage to the appropriate retirement system to cover the required employer  
9 contribution on the supplement.
- 10 (d) Should the foundation program funds be insufficient to pay employer  
11 contributions to the system, then the total amount available for pension  
12 payments shall be prorated to each eligible government so that each receives  
13 the same percentage of required pension costs attributable to the supplement.
- 14 (e) 1. In addition to the payments received under paragraphs (a) and (b) of  
15 this subsection, but only if sufficient funds are available to fully  
16 reimburse each eligible local government for the employer  
17 contributions to the pension system, each local government shall  
18 receive an administrative expense reimbursement in an amount equal  
19 to seven and sixty-five one hundredths percent (7.65%) of the total  
20 annual supplement received greater than three thousand one hundred  
21 dollars (\$3,100) for each qualified professional firefighter it employs,  
22 subject to the cap established by subparagraph 3. of this paragraph.
- 23 2. The local government may use the moneys received under this  
24 paragraph in any manner it deems necessary to partially cover the  
25 costs of administering the payments received under paragraph (a) of  
26 this subsection.
- 27 3. The total amount distributed under this paragraph shall not exceed

1                   the total sum of two hundred fifty thousand dollars (\$250,000) for  
2                   each fiscal year. If there are insufficient funds to provide for full  
3                   reimbursement as provided in subparagraph 1. of this paragraph, then  
4                   the amount shall be distributed pro rata to each eligible local  
5                   government so that each receives the same percentage attributable to  
6                   its total receipt of the cash salary supplement.

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

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

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

1 the supplement.

2 (3) ~~[Beginning July 1, 2006:]~~

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

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

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

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

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

1 Any fire department which has inoculated its personnel during the period of July 1,  
2 1991 to July 14, 1992, shall be reimbursed from these revenues for its costs incurred  
3 up to the amount allowed by the Cabinet for Health and Family Services~~Human~~  
4 ~~Resources~~ for hepatitis B inoculations.

5 (2) (a) Except as provided in subsection (3) of this section, the Commission on Fire  
6 Protection Personnel Standards and Education shall allot on an annual basis a  
7 share of the funds accruing to and appropriated for volunteer fire department  
8 aid to volunteer fire departments in cities of all classes, fire protection districts  
9 organized pursuant to KRS Chapter 75, county districts established under  
10 authority of KRS 67.083, and volunteer fire departments created as nonprofit  
11 corporations pursuant to KRS Chapter 273.

12 (b) The commission shall allot ~~eight thousand dollars (\$8,000) annually to each~~  
13 ~~qualifying department, and beginning on July 1, 2001, the commission shall~~  
14 ~~allot~~ eight thousand two hundred fifty dollars (\$8,250), and beginning on  
15 July 1, 2018, the commission shall allot eleven thousand dollars (\$11,000)  
16 annually to each qualifying department.

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

20 (d) If two (2) or more qualified volunteer fire departments, as defined in KRS  
21 95A.500 to 95A.560, merge after January 1, 2000, then the allotment shall be  
22 in accordance with the provisions of KRS 95A.500 to 95A.560.

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

- 1           1.    Include at least twelve (12) firefighters;~~[-,]~~
- 2           2.    ~~*Have*~~ a chief;~~[-, and]~~
- 3           3.    ~~*Have*~~ at least one (1) operational fire apparatus or one (1) on order;~~[-]~~
- 4           ~~*and*~~~~[-]~~
- 5           4.    ~~*Have at least*~~ fifty percent (50%) of ~~*its*~~~~[the]~~ firefighters ~~*who*~~~~[shall]~~ have
- 6           completed at least one-half (1/2) of one hundred fifty (150) training
- 7           hours, or as otherwise established by the commission under KRS
- 8           95A.240(6), toward certification within the first six (6) months of the
- 9           first year of the department's application for certification, and there shall
- 10          be a plan to complete the one hundred fifty (150) training hours, or as
- 11          otherwise established by the commission by KRS 95A.240(6), within
- 12          the second year.

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

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

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

22          (3)    There shall be allotted two hundred thousand dollars (\$200,000) of the insurance  
23           premium surcharge proceeds accruing to the Firefighters Foundation Program fund  
24           that shall be allocated each fiscal year of the biennium to the firefighters training  
25           center fund, which is hereby created and established, for the purposes of  
26           constructing new or upgrading existing training centers for firefighters. If any  
27           moneys in the training center fund remain uncommitted, unobligated, or

1 unexpended at the close of the first fiscal year of the biennium, then such moneys  
2 shall be carried forward to the second fiscal year of the biennium, and shall be  
3 reallocated to and for the use of the training center fund, in addition to the second  
4 fiscal year's allocation of two hundred thousand dollars (\$200,000). Prior to funding  
5 any project pursuant to this subsection, a proposed project shall be approved by the  
6 Commission on Fire Protection Personnel Standards and Education as provided in  
7 subsection (4) of this section and shall comply with state laws applicable to capital  
8 construction projects.

9 (4) Applications for funding low-interest loans and firefighters' training centers shall be  
10 submitted to the Commission on Fire Protection Personnel Standards and Education  
11 for their recommendation, approval, disapproval, or modification. The commission  
12 shall review applications periodically, and shall, subject to funds available,  
13 recommend which applications shall be funded and at what levels, together with any  
14 terms and conditions the commission deems necessary.

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

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

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

27 (8) The commission shall withhold from the general distribution of funds under

1 subsection (2) of this section an amount which it deems sufficient to reimburse  
2 volunteer fire departments for equipment lost or damaged beyond repair due to  
3 hazardous material incidents.

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

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

11 (b) The volunteer fire department has made application in writing to the  
12 commission for reimbursement in a manner approved by the commission and  
13 the loss and the circumstances thereof have been verified by the commission;

14 (c) The loss of or damage to the equipment has not been reimbursed by the person  
15 responsible for the hazardous materials incident or by any other person;

16 (d) The commission has determined that the volunteer fire department does not  
17 have the fiscal resources to replace the equipment;

18 (e) The commission has determined that the equipment sought to be replaced is  
19 immediately necessary to protect the lives of the volunteer firefighters of the  
20 fire department;

21 (f) The fire department has agreed in writing to subrogate all claims for and rights  
22 to reimbursement for the lost or damaged equipment to the Commonwealth to  
23 the extent that the Commonwealth provides reimbursement to the department;  
24 and

25 (g) The department has shown to the satisfaction of the commission that it has  
26 made reasonable attempts to secure reimbursement for its losses from the  
27 person responsible for the hazardous materials incident and has been

1           unsuccessful in the effort.

2   (10) If a volunteer fire department has met all of the requirements of subsection (9) of  
3       this section, the commission may authorize a reimbursement of equipment losses  
4       not exceeding ten thousand dollars (\$10,000) or the actual amount of the loss,  
5       whichever is less.

6   (11) Moneys which have been withheld during any fiscal year which remain unexpended  
7       at the end of the fiscal year shall be distributed in the normal manner required by  
8       subsection (2) of this section during the following fiscal year.

9   (12) No volunteer fire department may receive funding for equipment losses more than  
10      once during any fiscal year.

11   (13) The commission shall make reasonable efforts to secure reimbursement from the  
12      responsible party for any moneys awarded to a fire department pursuant to this  
13      section.

14   (14) There shall be allotted each year of the 1992-93 biennium one million dollars  
15      (\$1,000,000), and each year of the 1994-95, 1996-97, 1998-99, and 2000-01  
16      bienniums one million dollars (\$1,000,000) of the insurance premium surcharge  
17      proceeds accruing to the Firefighters Foundation Program fund for the purpose of  
18      creating a revolving low-interest loan fund, which shall thereafter be self-sufficient  
19      and derive its operating revenues from principal and interest payments. The  
20      commission, in accordance with the procedures in subsection (4) of this section,  
21      may make low-interest loans, and the interest thereon shall not exceed three percent  
22      (3%) annually or the amount needed to sustain operating expenses of the loan fund,  
23      whichever is less, to volunteer fire departments for the purposes of major equipment  
24      purchases and facility construction. Loans shall be made to departments which  
25      achieve the training standards necessary to qualify for volunteer fire department aid  
26      allotted pursuant to subsection (2) of this section, and which do not have other  
27      sources of funds at rates which are favorable given their financial resources. The

1 proceeds of loan payments shall be returned to the loan fund for the purpose of  
2 providing future loans. If a department does not make scheduled loan payments, the  
3 commission may withhold any grants payable to the department pursuant to  
4 subsection (2) of this section until the department is current on its payments. Money  
5 in the low-interest loan fund shall be used only for the purposes specified in this  
6 subsection. Any funds remaining in the fund at the end of a fiscal year shall be  
7 carried forward to the next fiscal year for the purposes of the fund.

8 (15) For fiscal year 2004-2005 and each fiscal year thereafter, there is allotted one  
9 million dollars (\$1,000,000) from the fund established in KRS 95A.220 to be used  
10 by the commission to conduct training-related activities.

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

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

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

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

- 1           (d) A program to annually evaluate equipment adequacy and to provide for annual  
2           physical examinations for instructors, adequate protective clothing and  
3           personal equipment to meet NFPA guidelines, and to establish procedures for  
4           replacing this equipment as needed;
- 5           (e) A program to establish a rotational expansion and replacement program for  
6           mobile fleet equipment currently used for training and recertification of fire  
7           departments;
- 8           (f) A program to expand and update current EMS, first responder, EMT, and  
9           paramedic training and certification instruction; and
- 10          (g) A program to purchase thermal vision devices to comply with the provisions  
11          of KRS 95A.400 to 95A.440.