

1 AN ACT relating to conservation officers and declaring an emergency.

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

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

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

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

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

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

17 (2) **(a)** "Police officer" means:

18 **1. A local officer, limited to:**

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

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

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

24 or

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

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

27 **a.** A~~state or~~ public university police officer;

- 1                   **b. A Kentucky state trooper;**  
 2                   **c. A Kentucky State Police arson investigator;**  
 3                   **d. A Kentucky State Police hazardous device investigator;**  
 4                   **e. A Kentucky State Police legislative security specialist;**  
 5                   **f. A Kentucky vehicle enforcement officer;**  
 6                   **g. A horse park mounted patrol officer;**  
 7                   **h. A park ranger;**  
 8                   **i. An agriculture investigator;**  
 9                   **j. A charitable gaming investigator;**  
 10                   **k. An alcoholic beverage control investigator;**  
 11                   **l. An insurance fraud investigator;**  
 12                   **m. An Attorney General investigator; and**  
 13                   **n. A Kentucky Department of Fish and Wildlife Resources**  
 14                   **conservation officer, subject to subsection (1)(e) of Section 6 of**  
 15                   **this Act;**

16                   who is responsible for the prevention and detection of crime and the  
 17                   enforcement of the general criminal laws of the state; ~~but~~

18                   **(b) "Police officer"** does not include ~~Department of Kentucky State Police,~~ any  
 19                   sheriff who earns the maximum constitutional salary for this office, any  
 20                   special deputy sheriff appointed under KRS 70.045, any constable, deputy  
 21                   constable, district detective, deputy district detective, special local peace  
 22                   officer, auxiliary police officer, or any other peace officer not specifically  
 23                   authorized in KRS 15.410 to 15.510;~~;~~

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

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

7 ➔Section 3. KRS 15.430 is amended to read as follows:

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

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

20 ➔Section 4. KRS 15.440 is amended to read as follows:

21 (1) Each ~~local~~ unit of government ***that***~~[which]~~ meets the following requirements shall  
 22 be eligible to share in the distribution of funds from the Law Enforcement  
 23 Foundation Program fund:

- 24 (a) Employs one (1) or more police officers;
- 25 (b) Pays every police officer at least the minimum federal wage;
- 26 (c) ***Requires all police officers to have, at a minimum,*** ~~[Maintains the minimum~~  
 27 ~~educational requirement of]~~ a high school degree, or its equivalent as

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

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

- 1 established by this paragraph, the council may, by the promulgation of  
2 administrative regulations in accordance with the provisions of KRS  
3 Chapter 13A, explicitly set the exact number of hours for basic training  
4 at a number different from nine hundred twenty-eight (928) hours based  
5 upon a training curriculum approved by the Kentucky Law Enforcement  
6 Council as determined by a validated job task analysis.
- 7 3. If the council sets an exact number of hours different from nine hundred  
8 twenty-eight (928) in an administrative regulation as ***provided by***~~[set out~~  
9 ~~in]~~ this paragraph, it shall not further change the number of hours  
10 required for basic training without promulgating administrative  
11 regulations in accordance with the provisions of KRS Chapter 13A.
- 12 4. Nothing in this paragraph shall be interpreted to prevent the council  
13 pursuant to its authority under KRS 15.330 from approving training  
14 schools with a curriculum requiring attendance of a number of hours that  
15 exceeds nine hundred twenty-eight (928) hours or the number of hours  
16 established in an administrative regulation ***as provided***~~[set out]~~ by  
17 subparagraphs 2. and 3. of this paragraph. However, the training  
18 programs and schools for the basic training of law enforcement  
19 personnel conducted by the department pursuant to KRS 15A.070 shall  
20 not contain a curriculum that requires attendance of a number of hours  
21 for basic training that is different from nine hundred twenty-eight (928)  
22 hours or the number of hours established in an administrative regulation  
23 promulgated by the council pursuant to the provisions of KRS Chapter  
24 13A as ***provided***~~[set out]~~ by subparagraphs 2. and 3. of this paragraph.
- 25 5. KRS 15.400 and 15.404(1), and subparagraphs 1. to 4. of this paragraph  
26 to the contrary notwithstanding, the council may, through the  
27 promulgation of administrative regulations in accordance with KRS

- 1 Chapter 13A, approve basic training credit for:
- 2 a. Years of service credit as a law enforcement officer with previous
- 3 service in another state; and
- 4 b. Basic training completed in another state;
- 5 (e) Requires all police officers~~[, whether originally employed before or after July~~
- 6 ~~1, 1972, and all sheriffs appointed or elected before, on, or after July 15, 1998,~~
- 7 ~~and all deputy sheriffs and state or public police officers employed before, on,~~
- 8 ~~or after July 15, 1998,]~~ to successfully complete each calendar year an in-
- 9 service training course, appropriate to the officer's rank and responsibility and
- 10 the size and location of the officer's~~[his]~~ department, of forty (40) hours'
- 11 duration, of which the number of hours shall not be changed by the council, at
- 12 a school certified or recognized by the~~[Kentucky Law Enforcement]~~ council.
- 13 This requirement shall be waived for the period of time that a peace officer is
- 14 serving on active duty in the United States Armed Forces. This waiver shall be
- 15 retroactive for peace officers from the date of September 11, 2001;
- 16 (f) Complies~~[Requires compliance]~~ with all provisions of law applicable to
- 17 police officers or police departments~~[local police, state or public university~~
- 18 ~~police, or sheriffs and their deputies]~~, including transmission of data to the
- 19 centralized criminal history record information system as required by KRS
- 20 17.150;
- 21 (g) Complies~~[Requires compliance]~~ with all~~[reasonable]~~ rules and regulations,
- 22 appropriate to the size and location of the~~[local]~~ police department~~[, state or~~
- 23 ~~public university police department, or sheriff's office,]~~ issued by the Justice
- 24 and Public Safety Cabinet to facilitate the administration of the fund and
- 25 further the purposes of KRS 15.410 to 15.510;
- 26 (h) Possesses a written policy and procedures manual related to domestic violence
- 27 for law enforcement agencies that~~[meets the standards set forth by, and]~~ has

1           been approved by~~[,]~~ the Justice and Public Safety Cabinet. The policy shall  
2           comply with the provisions of KRS 403.715 to 403.785. The policy shall  
3           include a purpose statement~~[statements]~~; definitions; supervisory  
4           responsibilities; procedures for twenty-four (24) hour access to protective  
5           orders; procedures for enforcement of court orders or relief when protective  
6           orders are violated; procedures for timely and contemporaneous reporting of  
7           adult abuse and domestic violence to the Cabinet for Health and Family  
8           Services~~[Families and Children]~~, Department for Community Based Services;  
9           victim rights, assistance, and service responsibilities; and duties related to  
10          timely completion of records; and

11          (i) Possesses by January 1, 2017, a written policy and procedures manual related  
12          to sexual assault examinations that meets the standards provided~~[set forth]~~ by,  
13          and has been approved by, the Justice and Public Safety Cabinet, and which  
14          includes:

- 15           1. A requirement that evidence collected as a result of an examination  
16           performed under KRS 216B.400 be taken into custody within five (5)  
17           days of notice from the collecting facility that the evidence is available  
18           for retrieval;
- 19           2. A requirement that evidence received from a collecting facility relating  
20           to an incident which occurred outside the jurisdiction of the department  
21           be transmitted to a department with jurisdiction within ten (10) days of  
22           its receipt by the department;
- 23           3. A requirement that all evidence retrieved from a collecting facility under  
24           this paragraph be transmitted to the Department of Kentucky State  
25           Police forensic laboratory within thirty (30) days of its receipt by the  
26           department;
- 27           4. A requirement that a suspect standard, if available, be transmitted to the

1 Department of Kentucky State Police forensic laboratory with the  
2 evidence received from a collecting facility; and

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

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

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

24 (4) Failure to meet a deadline established in a policy adopted pursuant to subsection  
25 (1)(i) of this section for the retrieval or submission of evidence shall not be a basis  
26 for a dismissal of a criminal action or a bar to the admissibility of the evidence in a  
27 criminal action.



1       ➔Section 5. KRS 15.450 is amended to read as follows:

- 2       (1) The secretary or his or her designated representative shall administer the Law  
3       Enforcement Foundation Program fund pursuant to the provisions of KRS 15.410 to  
4       15.510 and may promulgate any administrative regulations as~~[, in his or her~~  
5       ~~judgment, are]~~ necessary to carry out the~~[his]~~ responsibilities under KRS 15.410 to  
6       15.510. Administrative hearings promulgated by administrative regulation under  
7       authority of this section shall be conducted in accordance with KRS Chapter 13B.
- 8       (2) The secretary or the~~[his]~~ designated representative~~[ shall determine which local~~  
9       ~~units of government are eligible to share in the Law Enforcement Foundation~~  
10       ~~Program fund and]~~ may withhold or terminate payments to any~~[ local]~~ unit of  
11       government that does not comply with the requirements of KRS 15.410 to 15.510  
12       or the administrative regulations issued by the Justice and Public Safety Cabinet  
13       under KRS 15.410 to 15.510.
- 14       (3) The Justice and Public Safety Cabinet shall, from moneys appropriated and accruing  
15       to the fund as provided under KRS 15.430, receive reimbursement for the salaries  
16       and other costs of administering the fund, including, but not limited to, council  
17       operations and expenses. The amount to be reimbursed for any given year shall be  
18       determined by the council and shall not exceed five percent (5%) of the total  
19       amount of funds for that year.
- 20       (4) The Justice and Public Safety Cabinet shall furnish periodically to the council any  
21       reports as may be deemed reasonably necessary.

22       ➔Section 6. KRS 15.460 is amended to read as follows:

- 23       (1) (a) Except as provided in subsection (4)(a) of this section,~~[ beginning July 15,~~  
24       ~~1998,]~~ an eligible~~[ local]~~ unit of government shall be entitled to receive~~[~~  
25       ~~annually a supplement of two thousand seven hundred fifty dollars (\$2,750)~~  
26       ~~for each qualified police officer it employs, and beginning on July 1, 1999,]~~ an  
27       annual supplement of three thousand dollars (\$3,000) for each qualified police

1 officer it employs. *The supplement amount shall be increased to four*  
 2 *thousand dollars (\$4,000) beginning July 1, 2018.*

3 *(b) 1. In addition to the supplement, the unit of government shall receive*,  
 4 ~~plus~~ an amount equal to the required employer's contribution on the  
 5 supplement to the defined benefit pension plan *and duty category* to  
 6 which the officer belongs, ~~but no more than the required employer's~~  
 7 ~~contribution to the County Employees Retirement System hazardous~~  
 8 ~~duty category~~. In the case of County Employees Retirement System  
 9 membership, the pension contribution on the supplement shall be paid  
 10 whether the officer enters the system under hazardous duty coverage or  
 11 nonhazardous coverage. *The amounts specified in this paragraph shall*  
 12 *include a proportionate amount for any supplemental contributions*  
 13 *employers are required to make to any retirement system.*

14 2. The ~~local~~ unit of government shall pay the amount received for  
 15 retirement coverage to the appropriate retirement system to cover the  
 16 required employer contribution on the pay supplement.

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

22 *(c) 1. In addition to the payments received under paragraphs (a) and (b) of*  
 23 *this subsection, but only if sufficient funds are available to make all*  
 24 *payments required under paragraph (b) of this subsection, each unit*  
 25 *of government shall receive an administrative expense reimbursement*  
 26 *in an amount equal to seven and sixty-five one-hundredths percent*  
 27 *(7.65%) of the total annual supplement received greater than three*

1           thousand one hundred dollars (\$3,100) for each qualified police  
2           officer that is a local officer as defined in subsection (2)(a)1. of  
3           Section 2 of this Act that it employs, subject to the cap established by  
4           subparagraph 3. of this paragraph.

5           2. The unit of government may use the moneys received under this  
6           paragraph in any manner it deems necessary to partially cover the  
7           costs of administering the payments received under paragraph (a) of  
8           this subsection.

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

16           (d) In addition to the payments received under paragraphs (a) and (b) of this  
17           subsection, each unit of government shall receive the associated fringe  
18           benefits costs for the total supplement of four thousand dollars (\$4,000) for  
19           each qualified police officer that is a state officer as defined in subsection  
20           (2)(a)2. of Section 2 of this Act that it employs.

21           (e) Notwithstanding paragraphs (a) to (d) of this subsection, a Kentucky  
22           Department of Fish and Wildlife Resources conservation officer appointed  
23           pursuant to subsection (1) of Section 14 of this Act and listed in subsection  
24           (2)(a)2.n. of Section 2 of this Act shall be a participant in the Kentucky Law  
25           Enforcement Foundation Program fund, but shall not receive an annual  
26           supplement from that fund. A conservation officer shall receive an annual  
27           training stipend commensurate to the annual supplement paid to the police

1           officer as defined in Section 2 of this Act. The annual training stipend  
 2           disbursed to a conservation officer shall be paid from the game and fish  
 3           fund pursuant to Section 14 of this Act; and

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

13       (a) The Kentucky National Guard during any period of activation under Title 10  
 14       or 32 of the United States Code or KRS 38.030; or  
 15       (b) Any reserve component of the United States Armed Forces during any period  
 16       of activation with the United States Armed Forces.

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

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

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

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

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

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

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

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

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

- 1           officers, except as otherwise provided by laws;
- 2           (b) Create a private right of action for any police officer regarding an agency's
- 3           participation in this section;
- 4           (c) Authorize a termination of an agency's participation as a result of a
- 5           judgment that the unit of government failed to follow its procedures in any
- 6           independent cause of action brought by the police officer against the unit of
- 7           government; or
- 8           (d) Prevent the adoption, amendment, or repeal of any laws that may govern
- 9           the due process disciplinary procedures of a unit of government's police
- 10           officers.

11           ➔Section 7. KRS 15.470 is amended to read as follows:

12 Law Enforcement Foundation Program funds made available to ~~local~~ units of

13 government shall be received, held, and expended in accordance with the provisions of

14 KRS 15.410 to 15.510, including the administrative regulations promulgated by the

15 Justice and Public Safety Cabinet and the following specific restrictions:

- 16 (1) Funds provided shall be used only as a cash salary supplement to police officers, for
- 17 payments to the defined benefit pension plan to which the officer belongs to cover
- 18 employer retirement costs on the cash salary supplement, and for administrative
- 19 costs as provided in KRS 15.450;
- 20 (2) Funds provided shall be used only to compensate police officers who have complied
- 21 with KRS 15.440(1)(c), (d), and (e);
- 22 (3) Each police officer shall be entitled to receive the state supplement that the
- 23 officer's~~which his~~ qualifications brought to the ~~local~~ unit of government;
- 24 (4) Funds provided shall not be used to supplant existing salaries or as a substitute for
- 25 normal salary increases periodically due to police officers;
- 26 (5) Each police officer receiving the state supplement who is also a member of the
- 27 Kentucky National Guard or any reserve component of the United States Armed

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

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

6 ➔Section 8. KRS 15.480 is amended to read as follows:

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

17 ➔Section 9. KRS 15.490 is amended to read as follows:

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

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

1       ➔Section 10. KRS 15.500 is amended to read as follows:

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

11      ➔Section 11. KRS 15.520 is amended to read as follows:

12      (1) As used in this section:

13      (a) "Citizen" means any individual who is not:

- 14              1. A member or supervisor within the law enforcement agency that  
15              employs an officer; or
- 16              2. An elected or appointed official within the unit of government under  
17              which the law enforcement agency that employs the officer is organized;

18      (b) "Complaint" means any statement by a citizen, whether written or verbal, that  
19      alleges any type of misconduct by an officer, including statements that are  
20      submitted or received anonymously;

21      (c) "Disciplinary action" means termination, demotion, a decrease in pay or grade,  
22      suspension without pay, and a written reprimand;

23      (d) "General employment policies" means the rules, regulations, policies, and  
24      procedures commonly applicable to the general workforce or civilian  
25      employees that are not unique to law enforcement activities or the exercise of  
26      peace officer authority, regardless of whether those rules, regulations, policies,  
27      and procedures exist or appear in a departmental manual or handbook that is



1 solely applicable to a law enforcement department or agency within the unit of  
2 government employing the officer;

3 (e) "Interrogation" means a formal investigative interview and does not mean  
4 conversations or meetings of supervisory personnel and subordinate officers  
5 that are not intended to result in disciplinary action, such as conversations or  
6 meetings held for the purpose of providing corrective instruction counseling  
7 or coaching;

8 (f) "Law enforcement procedures" means only those policies, rules, and customs  
9 that:

- 10 1. Are specific to the conduct of officers in the exercise of law enforcement  
11 powers and functions, including, without limitation: use of force,  
12 conduct in the course of pursuits, conduct during stops or detentions of  
13 citizens, conduct in the course of interacting with, assisting, or  
14 questioning of citizens, and investigative conduct;
- 15 2. Are carried out in the course of peace officer functions;
- 16 3. Are not general employment policies; and
- 17 4. May exist in either written form or in the form of unwritten standards,  
18 practices, or protocols generally accepted and applied in the law  
19 enforcement profession;

20 (g) "Misconduct" means any act or omission by an officer that violates criminal  
21 law, law enforcement procedures, or the general employment policies of the  
22 employing agency; and

23 (h) "Officer" means a person employed as a full-time peace officer by a unit of  
24 government that receives funds under KRS 15.410 to 15.510, except a state  
25 officer listed in subsection (2)(a)2.b. to f. of Section 2 of this Act, who has  
26 completed any officially established initial probationary period of employment  
27 lasting no longer than twelve (12) months not including, unless otherwise

1 specified by the employing agency, any time the officer was employed and  
2 completing the basic training required by KRS 15.404.

3 (2) In order to establish a minimum system of professional conduct for officers of local  
4 units of government of this Commonwealth, the following standards are stated as  
5 the intention of the General Assembly to deal fairly and establish~~set~~  
6 administrative due process rights in certain disciplinary matters concerning those  
7 officers of an employing unit of government that participates in the Kentucky Law  
8 Enforcement Foundation Program fund administered pursuant to KRS 15.430 and,  
9 at the same time, to provide a means for redress by the citizens of the  
10 Commonwealth for wrongs allegedly done to them by officers covered by this  
11 section.

12 (3) Any complaint taken from a citizen alleging misconduct on the part of any officer  
13 shall be taken as follows:

14 (a) If the complaint alleges criminal activity by an officer, the allegations may be  
15 investigated without a signed, sworn complaint of the citizen;

16 (b) If the complaint alleges any other type of violation not constituting criminal  
17 activity, including violations of law enforcement procedures or the general  
18 employment policies of the employing agency, an affidavit, signed and sworn  
19 to by the citizen, shall be obtained, except as provided by paragraph (c) of this  
20 subsection; or

21 (c) If a complaint is required to be obtained and the citizen, upon request, refuses  
22 to make allegations under oath in the form of an affidavit, signed and sworn  
23 to, the employing agency may investigate the allegations, but shall bring  
24 charges under subsection (6) of this section against the officer only if the  
25 employing agency can independently substantiate the allegations absent the  
26 sworn statement of the citizen.

27 (4) (a) When an officer is accused of an act or omission that would constitute a

1 violation of law enforcement procedures by any individual within the law  
2 enforcement agency employing the officer, including supervisors and elected  
3 or appointed officials of the officer's employing agency, the employing agency  
4 shall conform the conduct of any investigation to the provisions of subsection  
5 (5) of this section, shall formally charge the officer in accordance with  
6 subsection (6) of this section, and shall conduct a hearing in accordance with  
7 subsection (7) of this section before any disciplinary action shall be taken  
8 against the officer.

9 (b) The provisions of this subsection shall not prevent the employing agency from  
10 suspending the officer, with or without pay, during an investigation and  
11 pending the final disposition of any formal charges, except that an officer  
12 suspended without pay shall be entitled to full back pay and benefits for the  
13 regular hours he or she would have worked if no formal charges are brought or  
14 the hearing authority finds the officer not guilty of the charges.

15 (c) An employing agency shall not be required to follow the provisions of this  
16 section in addressing conduct by the officer that would constitute a violation  
17 of the general employment policies of the employing agency.

18 (5) (a) Any complaint filed by a citizen under subsection (3) of this section or any  
19 allegation of conduct that would constitute a violation of law enforcement  
20 procedures under subsection (4) of this section shall be investigated by the  
21 employing agency or another designated law enforcement agency in  
22 accordance with the provisions of this subsection if the employing agency  
23 determines that an investigation of the complaint or the alleged conduct is  
24 warranted.

25 (b) No threats, promises, or coercions shall be used at any time against any officer  
26 while he or she is a suspect in a criminal case or has been accused of a  
27 violation of law enforcement procedures. Suspension from duty with or

1 without pay, or reassignment to other than an officer's regular duties during  
2 the period shall not be deemed coercion. Prior to or within twenty-four (24)  
3 hours after suspending the officer pending investigation or disposition of a  
4 complaint, the officer shall be advised in writing of the reasons for the  
5 suspension.

6 (c) Unless otherwise agreed to in writing by the officer, no police officer shall be  
7 subjected to interrogation for alleged conduct that violates law enforcement  
8 procedures, until forty-eight (48) hours have expired from the time the request  
9 for interrogation is made to the accused officer, in writing. The notice of  
10 interrogation shall include a statement regarding any reason for the  
11 interrogation and shall be served on the officer by certified mail, return receipt  
12 requested, or by personal delivery.

13 (d) The interrogation shall be conducted while the officer is on duty. The officer  
14 may be required to submit a written report of the alleged incident if the  
15 request is made by the employing agency no later than the end of the subject  
16 officer's next tour of duty after the tour of duty during which the employing  
17 agency initially was made aware of the complaint.

18 (e) If an officer is under arrest, or likely to be arrested, or a suspect in any  
19 criminal investigation, he or she shall be afforded the same constitutional due  
20 process rights that are accorded to any civilian, including, but not limited to,  
21 the right to remain silent and the right to counsel, and shall be notified of  
22 those rights before any questioning commences.

23 (6) (a) If it is determined through investigation or other means that the facts alleged  
24 in a citizen complaint or in an accusation of a violation of law enforcement  
25 procedures warrant charging the officer, the charge shall be made in writing  
26 with sufficient specificity so as to fully inform the officer of the nature and  
27 circumstances of the alleged violation in order that he or she may be able to

- 1 properly defend himself or herself.
- 2 (b) The charge shall be signed by a representative of the employing agency, shall  
3 set out the disciplinary action recommended or imposed, and shall be served  
4 on the officer in writing by certified mail, return receipt requested, or by  
5 personal delivery.
- 6 (c) When an officer has been charged with a violation of law enforcement  
7 procedures, no public statements shall be made concerning the alleged  
8 violation by any person or persons of the employing agency or the officer so  
9 charged, until final disposition of the charges.
- 10 (d) No officer as a condition of continued employment by the employing agency  
11 shall be compelled to speak or testify or be questioned by any person or body  
12 of a nongovernmental nature.
- 13 (7) Unless waived by the charged officer in writing, a hearing shall be conducted by the  
14 officer's appointing authority to determine whether there is substantial evidence to  
15 prove the charges and to determine what, if any, disciplinary action shall be taken if  
16 substantial evidence does exist. In conducting a hearing, the following  
17 administrative due process rights shall be recognized and these shall be the  
18 minimum rights afforded any officer charged, except as otherwise agreed to in  
19 writing by the officer and the employing agency:
- 20 (a) The accused officer shall be given at least twelve (12) days' written notice of  
21 any hearing. The notice of hearing shall be served on the officer by certified  
22 mail, return receipt requested, or by personal delivery;
- 23 (b) Copies of any sworn statements or affidavits to be considered by the hearing  
24 authority and any exculpatory statements or affidavits shall be furnished to the  
25 officer no less than twelve days (12) prior to the time of any hearing;
- 26 (c) At any hearing based upon the sworn complaint of a citizen, the citizen shall  
27 be notified to appear at the time and place of the hearing by certified mail,

- 1 return receipt requested, or by personal delivery;
- 2 (d) If the return receipt has been returned unsigned, or the individual does not  
3 appear, except due to circumstances beyond his or her control he or she cannot  
4 appear at the time and place of the hearing, any charge resulting from a  
5 complaint made by that citizen shall not be considered by the hearing  
6 authority and shall be dismissed with prejudice;
- 7 (e) The accused officer shall have the right and opportunity to obtain and have  
8 counsel present, and to be represented by counsel;
- 9 (f) The appointing authority, legislative body, or other body as designated by the  
10 Kentucky Revised Statutes shall subpoena and require the attendance of  
11 witnesses and the production by them of books, papers, records, and other  
12 documentary evidence at the request of the accused officer or the charging  
13 party. If any person fails or refuses to appear under the subpoena, or to testify,  
14 or to attend, or produce the books, papers, records, or other documentary  
15 evidence lawfully required, the appointing authority, legislative body, or other  
16 body as designated by the Kentucky Revised Statutes may report to the Circuit  
17 Court or any judge thereof the failure or refusal, and apply for a rule. The  
18 Circuit Court, or any judge thereof, may on the application compel obedience  
19 by proceedings for contempt as in the case of disobedience of the  
20 requirements of a subpoena issued from the court;
- 21 (g) The accused officer shall be allowed to present witnesses and any  
22 documentary or other relevant evidence the officer wishes to provide to the  
23 hearing authority, and may cross-examine all witnesses called by the charging  
24 party;
- 25 (h) If any officer who has been suspended with or without pay is not given a  
26 hearing as provided by this section within seventy-five (75) days of any charge  
27 being filed pursuant to this section, the charge shall be dismissed with

1 prejudice and shall not be considered by any hearing authority and the officer  
2 shall be reinstated with full back pay and benefits;

3 (i) Any officer who has been suspended without pay who is found not guilty of  
4 the charges by the hearing authority shall be reinstated with the full back pay  
5 and benefits for the regular hours he or she would have worked;

6 (j) The failure to provide any of the rights or to follow the provisions of this  
7 section may be raised by the officer with the hearing authority. The hearing  
8 authority shall not exclude proffered evidence based on failure to follow the  
9 requirements of this section but shall consider whether, because of the failure,  
10 the proffered evidence lacks weight or credibility and whether the officer has  
11 been materially prejudiced; and

12 (k) To the extent the provisions of KRS 61.805 to 61.850 are applicable, the  
13 hearing authority may conduct the hearing required by this subsection in a  
14 closed session, unless the officer requests of the hearing authority in writing at  
15 least three (3) days prior to the hearing that the hearing be open to the public.

16 (8) (a) Any officer who is found guilty by any hearing authority of any charge, may  
17 bring an action in the Circuit Court in the county in which the employing  
18 agency is located within thirty (30) days of the date written findings are issued  
19 to appeal the action of the hearing authority. The appeal shall be initiated by  
20 the filing of a complaint in the same manner as any civil action under the  
21 Rules of Civil Procedure and shall include a copy of the hearing authority's  
22 final order. The Circuit Court review of the case shall be based solely upon the  
23 administrative record created before the hearing authority and any new  
24 evidence offered by the officer regarding alleged arbitrariness on the part of  
25 the hearing authority.

26 (b) The judgment of the Circuit Court shall be subject to appeal to the Court of  
27 Appeals. The procedure as to appeal to the Court of Appeals shall be the same

1 as in any civil action.

2 (9) The provisions of KRS 90.310 to 90.410, 95.450, and 95.765 shall not apply in any  
3 proposed disciplinary action arising from a citizen complaint made under subsection  
4 (3) of this section or arising from any allegation of conduct that would constitute a  
5 violation of law enforcement procedures under subsection (4) of this section. This  
6 section shall not be interpreted or construed to alter or impair any of the substantive  
7 rights provided to a city police officer under KRS 90.310 to 90.410, 95.450, and  
8 95.765 for any proposed disciplinary action or other matters not arising under  
9 subsections (3) and (4) of this section, including proposed actions involving alleged  
10 violations of general employment policies. To the extent that the provisions of this  
11 section are inapplicable to any proposed disciplinary action against a city police  
12 officer, the provisions of KRS 90.310 to 90.410, 95.450, and 95.765 shall remain in  
13 full force and effect.

14 (10) As the provisions of this section relate to a minimum system of professional  
15 conduct, nothing in this section shall be interpreted or construed to:

16 (a) Limit or to in any way affect any rights previously afforded to officers of the  
17 Commonwealth by statute, collective bargaining or working agreement, or  
18 legally adopted ordinance;

19 (b) Preclude an employing agency from investigating and charging an officer both  
20 criminally and administratively;

21 (c) Prevent the suspension with or without pay or reassignment of an officer  
22 during an investigation and pending final disposition charges;

23 (d) Permit an employing agency to categorize and treat any complaint that  
24 originates from a citizen as an internal matter in order to avoid application of  
25 all of the provisions of this section to the final disposition of a citizen's  
26 complaint;

27 (e) Apply any disciplinary action required by this section to actions taken by an



1           employing agency that is not related to misconduct by a law enforcement  
2           officer, such as personnel decisions made by the employing agency due to a  
3           lack of resources or personnel decisions related to a chief's management of a  
4           department; or

5           (f) Prevent an employing agency from electing to apply the provisions of this  
6           section, or parts thereof, in circumstances that would not be covered under this  
7           section.

8           (11) This section shall not apply to officers employed by a consolidated local  
9           government that receives funds under KRS 15.410 to 15.510, who shall instead be  
10          governed by the provisions of KRS 67C.326.

11          ➔Section 12. KRS 95A.250 is amended to read as follows:

12          (1) (a) ~~[Beginning July 1, 1982, ]~~An eligible local government shall be entitled to  
13          receive~~[ annually a supplement of two thousand seven hundred fifty dollars~~  
14          ~~(\$2,750) for each qualified professional firefighter it employs, and beginning~~  
15          ~~on July 1, 1999,]~~ an annual supplement of three thousand dollars (\$3,000)  
16          *and, beginning July 1, 2018, an annual supplement of four thousand*  
17          *dollars (\$4,000)* for each qualified professional firefighter it employs, plus an  
18          amount equal to the required employer's contribution on the supplement to the  
19          defined benefit pension plan, or to a plan qualified under Section 401(a) or  
20          Section 457 of the Internal Revenue 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 (e) 1. In addition to the payments received under paragraphs (a) and (b) of  
8 this subsection, but only if sufficient funds are available to fully  
9 reimburse each eligible local government for the employer  
10 contributions to the pension system, each local government shall  
11 receive an administrative expense reimbursement in an amount equal  
12 to seven and sixty-five one-hundredths percent (7.65%) of the total  
13 annual supplement received greater than three thousand one hundred  
14 dollars (\$3,100) for each qualified professional firefighter it employs,  
15 subject to the cap established by subparagraph 3. of this paragraph.  
16 2. The local government may use the moneys received under this  
17 paragraph in any manner it deems necessary to partially cover the  
18 costs of administering the payments received under paragraph (a) of  
19 this subsection.  
20 3. The total amount distributed under this paragraph shall not exceed  
21 the total sum of two hundred fifty thousand dollars (\$250,000) for  
22 each fiscal year. If there are insufficient funds to provide for full  
23 reimbursement as provided in subparagraph 1. of this paragraph, then  
24 the amount shall be distributed pro rata to each eligible local  
25 government so that each receives the same percentage attributable to  
26 its total receipt of the cash salary supplement.

27 (2) (a) Each qualified professional firefighter, whose local government receives a

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

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

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

22 (3) ~~{Beginning July 1, 2006:~~

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

1 plus an amount equal to the required employer's contribution on the  
2 supplement to the defined benefit pension plan; and

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

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

15 ➔Section 13. KRS 95A.262 is amended to read as follows:

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

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

1 aid to volunteer fire departments in cities of all classes, fire protection districts  
 2 organized pursuant to KRS Chapter 75, county districts established under  
 3 authority of KRS 67.083, and volunteer fire departments created as nonprofit  
 4 corporations pursuant to KRS Chapter 273.

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

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

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

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

21 **1.** Include at least twelve (12) firefighters;~~[-]~~

22 **2.** **Have** a chief;~~[-, and]~~

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

25 **4.** **Have at least** fifty percent (50%) of **its**~~the~~ firefighters **who**~~shall~~ have  
 26 completed at least one-half (1/2) of one hundred fifty (150) training  
 27 hours, or as otherwise established by the commission under KRS

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

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

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

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

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

1 construction projects.

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

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

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

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

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

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

26 (a) A volunteer fire department has lost or damaged beyond repair items of  
27 personal protective clothing or equipment due to that equipment having been

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



1 subsection (2) of this section during the following fiscal year.

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

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

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

- 1 (15) For fiscal year 2004-2005 and each fiscal year thereafter, there is allotted one  
2 million dollars (\$1,000,000) from the fund established in KRS 95A.220 to be used  
3 by the commission to conduct training-related activities.
- 4 (16) If funding is available from the fund established in KRS 95A.220, the Commission  
5 on Fire Protection Personnel Standards and Education may implement the  
6 following:
- 7 (a) A program to prepare emergency service personnel for handling potential  
8 man-made and non-man-made threats. The commission shall work in  
9 conjunction with the state fire marshal and other appropriate agencies and  
10 associations to identify and make maps of gas transmission and hazardous  
11 liquids pipelines in the state;
- 12 (b) A program to provide and maintain a mobile test facility in each training  
13 region established by the Commission on Fire Protection Personnel Standards  
14 and Education with equipment to administer Comprehensive Physical  
15 Aptitude Tests (CPAT) to ascertain a firefighter's ability to perform the  
16 physical requirements necessary to be an effective and safe firefighter;
- 17 (c) A program to provide defensive driving training tactics to firefighters. The  
18 commission shall purchase, instruct in the use of, and maintain mobile  
19 equipment in each of the training regions, and fund expenses related to  
20 equipment replacement;
- 21 (d) A program to annually evaluate equipment adequacy and to provide for annual  
22 physical examinations for instructors, adequate protective clothing and  
23 personal equipment to meet NFPA guidelines, and to establish procedures for  
24 replacing this equipment as needed;
- 25 (e) A program to establish a rotational expansion and replacement program for  
26 mobile fleet equipment currently used for training and recertification of fire  
27 departments;

- 1 (f) A program to expand and update current EMS, first responder, EMT, and  
 2 paramedic training and certification instruction; and  
 3 (g) A program to purchase thermal vision devices to comply with the provisions  
 4 of KRS 95A.400 to 95A.440.

5 →Section 14. KRS 150.150 is amended to read as follows:

6 (1) (a) Except as provided in this chapter, all moneys derived from the sale of  
 7 licenses or from any other source connected with the administration of this  
 8 chapter shall be promptly paid over to the State Treasurer, who shall deposit  
 9 such moneys in a special fund, known as the game and fish fund, except that  
 10 the moneys shall be entered under separate restricted fund accounts, not  
 11 commingled, and maintained according to generally accepted accounting  
 12 principles.

13 (b) Moneys derived from the sale of licenses issued under this chapter shall be  
 14 under separate restricted fund account from any other proceeds derived from  
 15 this chapter or from proceeds obtained under any other chapter.

16 (c) The game and fish fund:

17 1. Shall be used to:

18 a. Carry out the purposes of this chapter and any law or regulation for  
 19 the protection of wildlife; and

20 b. *Pay the annual supplement provided in subsection (1),*  
 21 *paragraph (e) of Section 6 of this Act;* and

22 2. *Shall not be used* for any~~no~~ other purpose.

23 (2) All funds received under KRS 150.110 and 150.520 shall be used by the department  
 24 for the purpose of enforcing those sections and for the protection and propagation of  
 25 mussel beds. Any surplus remaining in the fund at the close of each calendar year  
 26 shall be turned into the general fund of the department.

27 (3) In addition to the funds derived pursuant to KRS 186.050(15), the department shall,

1 beginning August 1, 2006, and each fiscal year thereafter, set aside not less than  
2 twenty-five thousand dollars (\$25,000) from the game and fish fund for the purpose  
3 of promoting hunger relief through specific wildlife management and conservation  
4 efforts. The department shall provide for a separate accounting of these funds and  
5 shall, by October 1, 2007, and annually thereafter, report on the expenditures made  
6 pursuant to this subsection to the Governor and the Legislative Research  
7 Commission.

8 (4) The department shall prescribe a method to allow any applicant for a license  
9 required under KRS 150.175 to make, at the time of application, a voluntary  
10 contribution in the amount of two dollars (\$2) for the Becoming an Outdoors-  
11 Woman Program or other hunter and angler recruitment and retention program. The  
12 voluntary contribution shall be deposited into a separate, restricted account within  
13 the game and fish fund. The Becoming an Outdoors-Woman Program shall  
14 encourage women in developing skills for outdoor recreational activities including  
15 but not limited to hunting and angling. The voluntary contribution shall be  
16 automatically added to the cost of the license at the time of sale.

17 ➔Section 15. Whereas the authorization of supplements should be coordinated  
18 with the beginning of the fiscal year, an emergency is declared to exist, and this Act takes  
19 effect upon its passage and approval by the Governor or upon its otherwise becoming a  
20 law.