

1 AN ACT relating to fire protection and making an appropriation therefor.

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

3 ➔Section 1. KRS 95A.520 is amended to read as follows:

- 4 (1) ***For volunteer fire departments merging prior to the effective date of this Act,*** the  
5 Commission on Fire Protection Personnel Standards and Education shall pay to the  
6 merged district, for the first, second, and third years after the merger, the number of  
7 qualified shares of volunteer fire department aid allotted under KRS 95A.262(2)  
8 equal to the total number of qualified shares that each department would have  
9 received previous to merger;
- 10 (2) The Commission on Fire Protection Personnel Standards and Education shall pay to  
11 the merged district, for the fourth, fifth, and sixth years after the merger, the number  
12 of qualified shares of volunteer fire department aid allotted under KRS 95A.262(2)  
13 equal to fifty percent (50%) of the total number of qualified shares that each  
14 department would have received previous to merger, plus one (1) yearly disbursement of  
15 four thousand dollars (\$4,000) as a merger incentive; and
- 16 (3) The Commission on Fire Protection Personnel Standards and Education shall pay to  
17 the merged district, for the seventh year after the merger and thereafter, one (1)  
18 qualified share of volunteer fire department aid allotted under KRS 95A.262(2).

19 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 95A IS CREATED TO  
20 READ AS FOLLOWS:

- 21 ***(1) For volunteer fire departments merging on or after the effective date of this Act,***  
22 ***the Commission on Fire Protection Personnel Standards and Education shall pay***  
23 ***to the resulting merged district the number of qualified shares of volunteer fire***  
24 ***department aid allotted under subsection (2) of Section 5 of this Act equal to the***  
25 ***total number of qualified shares that each merging department would have***  
26 ***received prior to merger for a period of twenty (20) years after the date of the***  
27 ***merger. Upon the expiration of the twenty (20) year period, the merged district***

1        shall be entitled to one (1) share.  
2        (2) If the resulting merged district does not remain qualified to receive the volunteer  
3        fire department aid allotted under subsection (2) of Section 5 of this Act, then the  
4        Commission on Fire Protection Personnel Standards and Education shall  
5        suspend all payments calculated under subsection (1) of this section. The merged  
6        district shall have ninety (90) days to come into compliance with the requirements  
7        for qualification. If the merged district does so, then the commission shall resume  
8        payments as calculated under subsection (1) of this section. If the merged district  
9        does not come into compliance within ninety (90) days of the loss of qualification,  
10       then the commission shall not resume payments as calculated under subsection  
11       (1) of this section. Should the merged district come into compliance after ninety  
12       (90) days, it shall receive only one (1) qualified share of the volunteer fire  
13       department aid under subsection (2) of Section 5 of this Act for the remainder of  
14       the twenty (20) year period whereupon, if qualified, it shall receive one (1)  
15       payment pursuant to subsection (2) of Section 5 of this Act.

16       ➔Section 3. KRS 95A.540 is amended to read as follows:

17       For volunteer fire departments merging prior to the effective date of this Act, if a new  
18       volunteer fire department is created from territory in an existing fire department merged  
19       under the provisions of KRS 95A.500 to 95A.560, the newly created volunteer fire  
20       district shall be able to receive one (1) share at the next regular disbursement date, if  
21       qualified. The parent fire department shall have aid allotted under KRS 95A.262(2)  
22       reduced by one (1) qualified share for calculations of aid, for the first, second, third,  
23       fourth, fifth, and sixth years after merger.

24       ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 95A IS CREATED TO  
25       READ AS FOLLOWS:

26       For volunteer fire departments merging on or after the effective date of this Act, if a  
27       new volunteer fire department is created from territory in an existing fire department

1 merged under the provisions of KRS 95A.500 to 95A.560, the newly created volunteer  
2 fire district shall be able to receive one (1) share of the volunteer fire department aid  
3 under subsection (2) of Section 5 of this Act at the next regular disbursement date, if  
4 qualified.

5       ➔Section 5. KRS 95A.262 is amended to read as follows:

6 (1) The Commission on Fire Protection Personnel Standards and Education shall, in  
7 cooperation with the Cabinet for Health and Family Services, develop and  
8 implement a continuing program to inoculate every paid and volunteer firefighter in  
9 Kentucky against hepatitis A and B. The program shall be funded from revenues  
10 allocated to the Firefighters Foundation Program fund pursuant to KRS 136.392 and  
11 42.190, not to exceed five hundred thousand dollars (\$500,000) per fiscal year.

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

19 (b) The commission shall allot eleven thousand dollars (\$11,000) annually to each  
20 qualifying department.

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

24 (d) If two (2) or more qualified volunteer fire departments, as defined in KRS  
25 95A.500 to 95A.560, merge after January 1, 2000, then the allotment shall be  
26 in accordance with the provisions of KRS 95A.500 to 95A.560.

27 (e) Administrative regulations for determining qualifications shall be based on the

1 number of both paid firefighters and volunteer firemen within a volunteer fire  
2 department, the amount of equipment, housing facilities available, and any  
3 other matters or standards that will best effect the purposes of the volunteer  
4 fire department aid law. A qualifying department shall:

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

16 These personnel, equipment, and training requirements shall not be made  
17 more stringent by the promulgation of administrative regulations. *If the*  
18 *commission requires volunteer firefighters to have annual continuing*  
19 *education credits in order to be certified by the commission, then the*  
20 *commission shall provide annual continuing education opportunities and*  
21 *training at no cost to the volunteer firefighters and volunteer fire*  
22 *departments. The commission shall provide sufficient annual continuing*  
23 *education opportunities and training so that all volunteer firefighters*  
24 *participating in commission-sponsored training may achieve the required*  
25 *number of credit hours toward certification for the year if the volunteer*  
26 *firefighters successfully complete the training.*

- 27 (f) No allotment shall exceed the total value of the funds, equipment, lands, and

1 buildings made available to the local fire units from any source whatever for  
2 the year in which the allotment is made.

3 (g) A portion of the funds provided for above may be used to purchase group or  
4 blanket health insurance and shall be used to purchase workers' compensation  
5 insurance, and the remaining funds shall be distributed as provided in this  
6 section.

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

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

27 (5) Any department or entity eligible for and receiving funding pursuant to this section

1 shall have a minimum of fifty percent (50%) of its personnel certified as recognized  
2 by the Commission on Fire Protection Personnel Standards and Education.

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

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

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

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

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

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

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

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

1       percent (3%) annually or the amount needed to sustain operating expenses of the  
2       loan fund, whichever is less, to volunteer fire departments for the purposes of major  
3       equipment purchases and facility construction. Loans shall be made to departments  
4       which achieve the training standards necessary to qualify for volunteer fire  
5       department aid allotted pursuant to subsection (2) of this section, and which do not  
6       have other sources of funds at rates which are favorable given their financial  
7       resources. The proceeds of loan payments shall be returned to the loan fund for the  
8       purpose of providing future loans. If a department does not make scheduled loan  
9       payments, the commission may withhold any grants payable to the department  
10      pursuant to subsection (2) of this section until the department is current on its  
11      payments. Money in the low-interest loan fund shall be used only for the purposes  
12      specified in this subsection. Any funds remaining in the fund at the end of a fiscal  
13      year shall be carried forward to the next fiscal year for the purposes of the fund.

14   (15) Each fiscal year there shall be allotted one million dollars (\$1,000,000) from the  
15      fund established in KRS 95A.220 to be used by the commission to conduct training-  
16      related activities.

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

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

25      (b) A program to provide and maintain a mobile test facility in each training  
26          region established by the Commission on Fire Protection Personnel Standards  
27          and Education with equipment to administer Comprehensive Physical



- 1           Aptitude Tests (CPAT) to ascertain a firefighter's ability to perform the  
2           physical requirements necessary to be an effective and safe firefighter;
- 3           (c) A program to provide defensive driving training tactics to firefighters. The  
4           commission shall purchase, instruct in the use of, and maintain mobile  
5           equipment in each of the training regions, and fund expenses related to  
6           equipment replacement;
- 7           (d) A program to annually evaluate equipment adequacy and to provide for annual  
8           physical examinations for instructors, adequate protective clothing and  
9           personal equipment to meet NFPA guidelines, and to establish procedures for  
10          replacing this equipment as needed;
- 11          (e) A program to establish a rotational expansion and replacement program for  
12          mobile fleet equipment currently used for training and recertification of fire  
13          departments;
- 14          (f) A program to expand and update current emergency medical services,  
15          emergency medical responder, emergency medical technician, advanced  
16          emergency medical technician, and paramedic training and certification  
17          instruction; and
- 18          (g) A program to purchase thermal vision devices to comply with the provisions  
19          of KRS 95A.400 to 95A.440.