

1 AN ACT relating to the Firefighters Foundation Program fund.

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

3 ➔Section 1. KRS 95A.230 is amended to read as follows:

4 Each local government which meets the following requirements shall be eligible to share
5 in the distribution of funds from the fund:

6 (1) Employs one (1) or more firefighters.

7 (2) Pays every firefighter a minimum annual salary of eight thousand dollars (\$8,000).

8 (3) Maintains the minimum educational requirement of a high school degree, or its
9 equivalent as determined by the commission, for employment of firefighters on or
10 after August 1, 1980. All firefighters employed prior to August 1, 1980, shall be
11 deemed to have met requirements of this subsection.

12 (4) Requires all firefighters employed on or after July 15, 1982, to successfully
13 complete a basic training course of ***three hundred (300)***~~four hundred (400)~~ hours
14 duration or a lesser duration as established by the commission pursuant to KRS
15 95A.240(5) as mandated by the commission as to subject matter and number of
16 hours for each subject, within one (1) year of the date of employment at a school or
17 method certified or recognized by the commission. The training requirement may
18 be met through training and educational programs of a local government conducting
19 its own annual in-service training school certified or recognized by the commission
20 which may provide a different number of hours of instruction as established in KRS
21 95A.240.

22 (5) Requires all firefighters, whether originally employed before or after August 1,
23 1980, to successfully complete in each ***fiscal year***~~calendar year~~ an in-service
24 training program appropriate to the firefighters rank and responsibility, of one
25 hundred (100) hours duration or a lesser duration as established by the commission
26 pursuant to KRS 95A.240(5) at a school certified or recognized by the commission.
27 This requirement shall be waived for the period of time that a professional

1 firefighter is serving on active duty in the United States Armed Forces. This waiver
2 shall be retroactive for professional firefighters from the date of September 11,
3 2001.

4 (6) Requires compliance with all provisions of law applicable to local firefighters.

5 (7) Requires compliance with all rules and regulations, appropriate to the size and
6 location of the local fire department or fire prevention district, issued by the
7 commission to facilitate the administration of the fund and further the provisions of
8 KRS 95A.200 to 95A.300.

9 ➔Section 2. KRS 95A.240 is amended to read as follows:

10 (1) The commission shall administer the fund pursuant to the provisions of KRS
11 95A.200 to 95A.300 and may issue such reasonable rules and regulations as, in its
12 discretion, will facilitate the administration of the fund and further the purposes of
13 KRS 95A.200 to 95A.300.

14 (2) The commission shall determine which local governments are eligible to share in
15 the fund and may withhold or terminate payments to any local government that
16 does not comply with the requirements of KRS 95A.200 to 95A.300 or the rules
17 and regulations issued by the commission thereunder.

18 (3) The commission shall, from the moneys appropriated to and accruing to the fund
19 from any source, reimburse the Kentucky Community and Technical College
20 System for salaries and other costs of administering the fund, including, but not
21 limited to the costs of commission operations. The amount of reimbursement for
22 any given year shall be determined by the commission and shall not exceed five
23 percent (5%) of the total appropriation to the fund for that year.

24 (4) The commission or its personnel shall not:

25 (a) Increase the amount of the ***three hundred (300)***~~four hundred (400)~~ hour
26 training requirement required to be completed by firefighters for basic training
27 as set out in KRS 95A.230(4), except that the commission may certify the

- 1 basic training educational programs and schools of a local government
2 conducting its own basic training courses of a different amount of hours from
3 three hundred (300)~~four hundred (400)~~ hours that are approved by the
4 commission in accordance with KRS 95A.040; or
- 5 (b) Increase the amount of the one hundred (100) hour training requirement
6 required to be completed for annual in-service training established by KRS
7 95A.230(5), except that the commission may certify the training and
8 educational programs of a local government conducting its own annual in-
9 service training school of a different amount of hours from one hundred (100)
10 hours that is approved by the commission in accordance with KRS 95A.040.
- 11 (5) The commission shall have the authority to reduce or provide an alternative
12 procedure to the required three hundred (300)~~four hundred (400)~~ hours of basic
13 training established in KRS 95A.230(4) as well as the required one hundred (100)
14 hours of required in-service training also established in KRS 95A.230(5) if the
15 reduction in hours or alternative procedure is based on a certification or
16 equivalence-based testing process determined by the commission. The commission
17 shall specifically establish the lower required hours or alternative procedure based
18 on specific standards through an administrative regulation promulgated in
19 accordance with KRS Chapter 13A as it is authorized to do under KRS 95A.050.
- 20 (6) Nothing in this chapter shall be interpreted to authorize the commission or its
21 personnel to increase the amount of the one hundred fifteen (115)~~one hundred~~
22 ~~fifty (150)~~ hour requirement required to be completed by firefighters in a volunteer
23 fire department in order for the department to qualify for volunteer department aid
24 under KRS 95A.262(2). The commission shall have the authority to reduce or
25 provide an alternative procedure to achieve the required number of hours if the
26 reduction in hours is based on a certification or equivalence-based testing process
27 determined by the commission. If the commission seeks to reduce the hours or

1 provide an alternative procedure to achieve the required number of hours, it shall
2 specifically establish the lower required hours or alternative procedure through an
3 administrative regulation promulgated in accordance with KRS Chapter 13A as it is
4 authorized to do so under KRS 95A.050.

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

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

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

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

1 the number of both paid firefighters and volunteer firemen within a volunteer
2 fire department, the amount of equipment, housing facilities available, and
3 any other matters or standards that will best effect the purposes of the
4 volunteer 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 fifteen (115)~~one hundred fifty~~
10 ~~(150)~~ training hours, or as otherwise established by the commission
11 under KRS 95A.240(6), toward certification within the first six (6)
12 months of the first year of the department's application for certification,
13 and there shall be a plan to complete the one hundred fifteen (115)~~one~~
14 ~~hundred fifty (150)~~ training hours, or as otherwise established by the
15 commission by KRS 95A.240(6), within the second year.

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

- 18 (f) No allotment shall exceed the total value of the funds, equipment, lands, and
19 buildings made available to the local fire units from any source whatever for
20 the year in which the allotment is made.
- 21 (g) A portion of the funds provided for above may be used to purchase group or
22 blanket health insurance and shall be used to purchase workers' compensation
23 insurance, and the remaining funds shall be distributed as provided in this
24 section.
- 25 (3) There shall be allotted two hundred thousand dollars (\$200,000) of the insurance
26 premium surcharge proceeds accruing to the Firefighters Foundation Program fund
27 that shall be allocated each fiscal year of the biennium to the firefighters training

1 center fund, which is hereby created and established, for the purposes of
2 constructing new or upgrading existing training centers for firefighters. If any
3 moneys in the training center fund remain uncommitted, unobligated, or
4 unexpended at the close of the first fiscal year of the biennium, then such moneys
5 shall be carried forward to the second fiscal year of the biennium, and shall be
6 reallocated to and for the use of the training center fund, in addition to the second
7 fiscal year's allocation of two hundred thousand dollars (\$200,000). Prior to funding
8 any project pursuant to this subsection, a proposed project shall be approved by the
9 Kentucky Fire Commission as provided in subsection (4) of this section and shall
10 comply with state laws applicable to capital construction projects.

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

17 (5) Any department or entity eligible for and receiving funding pursuant to this section
18 shall have a minimum of fifty percent (50%) of its personnel certified as recognized
19 by the Kentucky Fire Commission.

20 (6) Upon the written request of any department, the Kentucky Fire Commission shall
21 make available a certified training program in a county of which such department is
22 located.

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

1 allotted for the purposes specified in this section during any fiscal year.

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

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

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

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

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

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

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

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

- 1 (g) The department has shown to the satisfaction of the commission that it has
2 made reasonable attempts to secure reimbursement for its losses from the
3 person responsible for the hazardous materials incident and has been
4 unsuccessful in the effort.
- 5 (10) If a volunteer fire department has met all of the requirements of subsection (9) of
6 this section, the commission may authorize a reimbursement of equipment losses
7 not exceeding ten thousand dollars (\$10,000) or the actual amount of the loss,
8 whichever is less.
- 9 (11) Moneys which have been withheld during any fiscal year which remain unexpended
10 at the end of the fiscal year shall be distributed in the normal manner required by
11 subsection (2) of this section during the following fiscal year.
- 12 (12) No volunteer fire department may receive funding for equipment losses more than
13 once during any fiscal year.
- 14 (13) The commission shall make reasonable efforts to secure reimbursement from the
15 responsible party for any moneys awarded to a fire department pursuant to this
16 section.
- 17 (14) The commission, in accordance with the procedures in subsection (4) of this
18 section, may make low-interest loans, and the interest thereon shall not exceed three
19 percent (3%) annually or the amount needed to sustain operating expenses of the
20 loan fund, whichever is less, to volunteer fire departments for the purposes of major
21 equipment purchases and facility construction. Loans shall be made to departments
22 which achieve the training standards necessary to qualify for volunteer fire
23 department aid allotted pursuant to subsection (2) of this section, and which do not
24 have other sources of funds at rates which are favorable given their financial
25 resources. The proceeds of loan payments shall be returned to the loan fund for the
26 purpose of providing future loans. If a department does not make scheduled loan
27 payments, the commission may withhold any grants payable to the department

1 pursuant to subsection (2) of this section until the department is current on its
2 payments. Money in the low-interest loan fund shall be used only for the purposes
3 specified in this subsection. Any funds remaining in the fund at the end of a fiscal
4 year shall be carried forward to the next fiscal year for the purposes of the fund.

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

8 (16) If funding is available from the fund established in KRS 95A.220, the Kentucky
9 Fire Commission may implement the following:

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

15 (b) A program to provide and maintain a mobile test facility in each training
16 region established by the Kentucky Fire Commission with equipment to
17 administer Comprehensive Physical Aptitude Tests (CPAT) to ascertain a
18 firefighter's ability to perform the physical requirements necessary to be an
19 effective and safe firefighter;

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

24 (d) A program to annually evaluate equipment adequacy and to provide for
25 annual physical examinations for instructors, adequate protective clothing and
26 personal equipment to meet NFPA guidelines, and to establish procedures for
27 replacing this equipment as needed;

- 1 (e) A program to establish a rotational expansion and replacement program for
2 mobile fleet equipment currently used for training and recertification of fire
3 departments;
- 4 (f) A program to expand and update current emergency medical services,
5 emergency medical responder, emergency medical technician, advanced
6 emergency medical technician, and paramedic training and certification
7 instruction; and
- 8 (g) A program to purchase thermal vision devices to comply with the provisions
9 of KRS 95A.400 to 95A.440.