

1 AN ACT relating to the Kentucky Fire Commission.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 39G IS CREATED TO  
4 READ AS FOLLOWS:

5 *The Kentucky Fire Commission, created in Section 5 of this Act, shall be attached to*  
6 *the Office of Homeland Security for administrative purposes.*

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

9 *(1) Effective July 1, 2023, employees of the Kentucky Community and Technical*  
10 *College System who are engaged in the full-time provision of instructional and*  
11 *support services to the mission of the Kentucky Fire Commission shall be*  
12 *transferred to the Office of Homeland Security.*

13 *(2) Employees transferred pursuant to subsection (1) of this section shall retain the*  
14 *following:*

15 *(a) All salaries and leave time balances accumulated as of the transfer date;*

16 *(b) The date of initial employment with the Kentucky Community and*  
17 *Technical College System for purposes of determining leave time*  
18 *accumulation; and*

19 *(c) The date of initial participation in a state-administered retirement system if*  
20 *the employee has participated or is participating in the Kentucky Employees*  
21 *Retirement System or the Kentucky Teachers' Retirement System for the*  
22 *purpose of calculating retirement benefits. However, nothing in this*  
23 *paragraph shall be construed to provide additional service credit for an*  
24 *employee prior to the transfer date other than what has already been*  
25 *credited to the appropriate retirement system, and any months of service*  
26 *accrued while employed by the Kentucky Community and Technical College*  
27 *System shall not count towards classified or unclassified service as defined*

1 in KRS 18A.005.

2 (3) As of July 1, 2023, employees transferred pursuant to subsection (1) of this  
3 section shall participate in the Kentucky Employees Retirement System as  
4 nonhazardous members pursuant to KRS 61.510 to 61.705.

5 (4) Employees transferred pursuant to subsection (1) of this section shall be eligible  
6 to participate in the state-sponsored life and health insurance benefits programs  
7 administered by the Personnel Cabinet in accordance with KRS Chapter 18A.  
8 Employees shall be eligible for coverage under the life and health insurance  
9 programs and shall not be subject to any waiting period that may be otherwise  
10 applicable to participation in these programs.

11 ➔Section 3. KRS 12.023 is amended to read as follows:

12 The following organizational units and administrative bodies shall be attached to the  
13 Office of the Governor:

- 14 (1) Council on Postsecondary Education;
- 15 (2) Department of Military Affairs;
- 16 (3) Department for Local Government;
- 17 (4) Kentucky Commission on Human Rights;
- 18 (5) Kentucky Commission on Women;
- 19 (6) Kentucky Commission on Military Affairs;
- 20 (7) Office of Minority Empowerment;
- 21 (a) The Martin Luther King Commission;
- 22 (8) Office of Homeland Security;
- 23 (a) Kentucky Fire Commission; and
- 24 (9) Kentucky Communications Network Authority.

25 ➔Section 4. KRS 75.400 is amended to read as follows:

26 As used in KRS 75.400 to 75.460, unless the context requires otherwise:

- 27 (1) "Commission" means the Kentucky Fire Commission, attached to the Office of

1        **Homeland Security**~~[Kentucky Community and Technical College System]~~.

2        (2) "Fire department" includes all of the officers, firefighters, and clerical and  
3        maintenance employees, whether paid or volunteer.

4        (3) "Full-time paid firefighter" means an individual who receives a minimum salary of  
5        eight thousand dollars (\$8,000) annually, and who works a minimum of two  
6        thousand and eighty (2,080) hours per year as an employee of a fire department  
7        recognized by the commission.

8        (4) "Paid fire department" means a fire department recognized by the commission, of  
9        which at least fifty percent (50%) of its firefighters are full-time paid firefighters.

10       (5) "Volunteer fire department" means a fire department with a minimum of twelve  
11       (12) members and a chief, at least one (1) operational fire apparatus or one (1) on  
12       order, with fewer than fifty percent (50%) of its firefighters being full-time paid  
13       firefighters.

14       ➔Section 5. KRS 95A.020 is amended to read as follows:

15       (1) As used in this section, "chief fire officer" means an individual who plays an  
16       essential role in the administrative structure of his or her fire department.

17       (2) There is hereby created the Kentucky Fire Commission, hereinafter called  
18       "commission," which shall be attached to the **Office of Homeland**  
19       **Security**~~[Kentucky Community and Technical College System]~~ for administrative  
20       purposes only.

21       (3) (a) The commission shall include male, female, and racial minority  
22       representation.

23       (b) No more than three (3) appointed members shall reside in the same  
24       congressional district.

25       (4) The commission shall be composed of **thirteen (13)**~~fourteen (14)]~~ members,  
26       residents of the State of Kentucky, and appointed by the Governor. These members  
27       should be persons well qualified by experience or education in the field of fire

1 protection or related fields.

2 (5) The membership of the commission shall include:

3 (a) One (1) member of a fire department formed under KRS Chapter 75 or 273  
4 who is:

5 1. Not a chief fire officer;

6 2. Not a career employee of any department other than the one from which  
7 he or she is nominated; and

8 3. Selected from a list of at least three (3) names submitted by the  
9 Kentucky Firefighters Association;

10 (b) One (1) member of a volunteer fire department who is:

11 1. Not a chief fire officer;

12 2. Not a career employee of any fire department other than the one from  
13 which he or she is nominated; and

14 3. Selected from a list of at least three (3) names submitted by the  
15 Kentucky Firefighters Association;

16 (c) One (1) member of a fire department formed under KRS Chapter 95 selected  
17 from a list of at list three (3) names submitted by the Kentucky Professional  
18 Firefighters;

19 (d) One (1) chief fire officer of a paid fire department selected from a list of at  
20 least three (3) names submitted by the Kentucky Association of Fire Chiefs;

21 (e) One (1) licensed physician with experience in emergency medicine;

22 (f) A chief fire officer of a volunteer fire department who is not a career member  
23 of any other department, selected from a list of at least three (3) names  
24 submitted by the Kentucky Association of Fire Chiefs;

25 (g) One (1) member of a fire department formed under KRS Chapter 67 or 75, or  
26 a fire department in a county containing an urban county government created  
27 pursuant to KRS Chapter 67A, who is selected from a list of at least three (3)

- 1 names submitted by the Kentucky Professional Firefighters;
- 2 (h) ~~[(h)]~~ ~~The director of Homeland Security or his or her designee;~~
- 3 ~~[(i)]~~ One (1) mayor or other officer of a Kentucky city providing fire services
- 4 under KRS Chapter 95 selected from a list of at least three (3) names
- 5 submitted by the Kentucky League of Cities;
- 6 ~~[(j)]~~ One (1) county judge/executive or other officer of a Kentucky county
- 7 selected from a list of at least three (3) names submitted by the Kentucky
- 8 Association of Counties;
- 9 ~~[(k)]~~ One (1) representative of a Kentucky building, industry, or safety
- 10 association;
- 11 ~~[(l)]~~ One (1) representative of the general public who is not an employee of
- 12 any government or governmental agency;
- 13 ~~[(m)]~~ The state fire marshal or his or her designee; and
- 14 ~~[(n)]~~ One (1) officer of a fire-based emergency medical service selected from
- 15 a list of at least three (3) names submitted by the executive director of the
- 16 Kentucky Board of Emergency Medical Services.
- 17 (6) The ***executive director of the Office of Homeland Security***~~[vice president of~~
- 18 ~~administrative services of the Kentucky Community and Technical College~~
- 19 ~~System]~~, president of the Kentucky Firefighters Association, president of the
- 20 Kentucky Professional Firefighters, and president of the Kentucky Association of
- 21 Fire Chiefs, or their designees, shall serve as nonvoting ex officio members of the
- 22 commission.
- 23 (7) The members of the commission who are firefighters shall possess a minimum of
- 24 five (5) years of fire service experience and shall be certified with the following:
- 25 (a) One hundred fifty (150) hours of training for volunteer firefighters; or
- 26 (b) Four hundred (400) hours of training for professional firefighters.
- 27 (8) The Kentucky Firefighters Association, Kentucky Professional Firefighters,

1 Kentucky Association of Fire Chiefs, Kentucky Board of Emergency Medical  
2 Services Association, Kentucky League of Cities, and Kentucky Association of  
3 Counties shall submit their lists of nominees by November 15 of each year as  
4 vacancies occur.

5 (9) The Governor shall appoint members of the commission to staggered terms not to  
6 exceed four (4) years. However, initial appointments shall be appointed as follows:

7 (a) Four (4) members shall serve for two (2) year terms ending November 30,  
8 2021;

9 (b) Five (5) members shall serve three (3) year terms ending November 30, 2022;  
10 and

11 (c) Five (5) members shall serve four (4) year terms ending November 30, 2023.

12 (10) After the expiration of the initial appointments, appointive members shall be  
13 appointed for a term of four (4) years. Any member chosen by the Governor to fill a  
14 vacancy created otherwise than by expiration of term shall be appointed for the  
15 unexpired term of the member he or she is chosen to succeed.

16 (11) When vacancies occur other than by expiration of term and nominations are  
17 required, the Governor may request a new list or select an appointee from a  
18 previously submitted list. Appointive members shall not serve more than two (2)  
19 consecutive four (4) year terms.

20 (12) A majority of the voting members appointed to the commission shall constitute a  
21 quorum. The commission shall:

22 (a) Meet at least four (4) times per year upon call of the chair, or upon the written  
23 request of any five (5) members; and

24 (b) Annually elect a chair, vice chair, and secretary in accordance with KRS  
25 95A.030.

26 (13) A member of the commission who misses three (3) regular meetings, without the  
27 approval of the chairman, in one (1) year shall be deemed to have resigned from the

1 commission and his or her position shall be deemed to be vacant. As used in this  
2 subsection, a "year" begins when the first meeting is missed and ends three hundred  
3 sixty-five (365) days later or when the third meeting is missed, whichever occurs  
4 first. The Governor shall appoint a similarly qualified person to fill the vacancy  
5 within ninety (90) days of the vacancy occurring. The failure of a commission  
6 member to attend a special or emergency meeting shall not result in any penalty. A  
7 person removed under this subsection shall not be reappointed to the commission  
8 for at least ten (10) years after removal.

9 (14) Members of the commission shall receive no compensation for their services but  
10 shall be allowed their actual and necessary expenses incurred in the performance of  
11 their functions.

12 ➔Section 6. KRS 95A.040 is amended to read as follows:

13 (1) The commission shall make full and complete studies, recommendations and  
14 reports to the Governor, the Office of Homeland Security~~[Kentucky Community~~  
15 ~~and Technical College System]~~, and the Legislature for the purpose of establishing:

16 (a) Minimum standards and education of fire protection personnel appointed to  
17 positions in municipal fire departments, who are to be engaged in fire  
18 protection to include fire suppression, fire prevention, arson investigation, and  
19 other allied fields;

20 (b) Basic minimum courses of training for fire protection personnel;

21 (c) Procedure for the certification of fire protection personnel and the certification  
22 of fire protection instructors. The commission may provide financial support  
23 for certification, and this support may include the cost of training, training  
24 aids, and salaries of instructors; and

25 (d) Administrative regulations to require that each volunteer firefighter be able to  
26 read, write and understand the English language, is a person of sobriety and  
27 integrity, is and has been an orderly, law-abiding citizen, is a citizen of the

1 United States, a permanent resident of the United States, or otherwise lawfully  
2 present in the United States, and has reached the age of eighteen (18).

3 (2) (a) The commission shall establish by administrative regulation a candidate  
4 physical agility test to be administered to all candidates for professional  
5 firefighter positions. For the provisions of this section, "professional  
6 firefighter" shall include any paid firefighter who is a member of a:

- 7 1. Municipal fire department organized under KRS Chapter 95;
- 8 2. Fire protection district organized under KRS Chapter 75;
- 9 3. County fire department created pursuant to KRS Chapter 67;
- 10 4. Fire department under the jurisdiction of a consolidated local government;
- 11 5. Fire department under the jurisdiction of a charter county government;
- 12 6. Fire department under the jurisdiction of an urban-county government;
- 13 7. Fire department under the jurisdiction of a unified local government; or
- 14 8. Fire department created under KRS Chapter 273.

15 (b) The candidate physical agility test shall establish uniform standards of the  
16 physical abilities required for all firefighter candidates. The candidate  
17 physical agility test shall be required for all firefighter candidates hired on or  
18 after January 1, 2013.

19 (c) After June 25, 2009, the commission shall establish procedures for individual  
20 firefighter candidates to voluntarily take the candidate physical agility test.  
21 The commission shall also establish procedures for fire departments listed  
22 under paragraph (a) of this subsection to voluntarily require firefighter  
23 candidates hired by them to have successfully completed the candidate  
24 physical agility test. The procedures in this paragraph shall be established by  
25 administrative regulation.

26 (d) The candidate physical agility test shall be designed to assess a candidate's  
27 ability to handle the physical demands of fighting fires and shall include



1 exercises that simulate the most common tasks involved in fire suppression.  
2 These exercises shall include but are not limited to stair climb, hose drag,  
3 equipment carry, ladder raise and extension, forcible entry, search, rescue,  
4 ceiling breach, and pull.

5 (e) The commission may establish a fee to be charged to candidates participating  
6 in the candidate physical agility test. The fee shall be no greater than an  
7 amount specified by the commission to cover the costs of implementing and  
8 administering the candidate physical agility test.

9 (f) The commission shall promulgate administrative regulations, pursuant to KRS  
10 Chapter 13A, to establish and implement the candidate physical agility test  
11 and to carry out any other responsibility assigned by this section. The  
12 administrative regulations shall be promulgated no later than October 1, 2009.

13 (3) The commission shall have the authority to:

14 (a) Certify fire protection training and education programs as having attained the  
15 minimum required standards suggested by the commission, and provide  
16 financial support for the provision of training, training aids, and salaries of  
17 instructors in order to achieve these minimum standards;

18 (b) Certify instructors as having qualified as fire protection instructors under such  
19 conditions as the commission may prescribe;

20 (c) Direct research in the field of fire protection and accept gifts and grants for  
21 such purposes; and

22 (d) Recommend curricula for advanced courses and seminars in fire science  
23 training in colleges and institutions of higher education.

24 (4) The commission shall have authority to receive and, to the extent required by  
25 federal law, to disburse all grants and funds from the federal government for the  
26 purpose of fire protection personnel training and education. Except as otherwise  
27 provided by law, the commission shall administer all state programs and all state

1 and federally funded grant programs related to fire protection personnel training  
2 and education.

3 ➔Section 7. KRS 95A.060 is amended to read as follows:

4 (1) The *Office of Homeland Security*~~[Kentucky Community and Technical College~~  
5 ~~System]~~ shall ~~conduct or~~ contract for the delivery of all certificate, diploma, or  
6 associate degree programs approved by the commission.

7 (2) The *Office of Homeland Security*~~[Kentucky Community and Technical College~~  
8 ~~System]~~ shall provide the fiscal and administrative support requested by the  
9 commission~~[, through the chancellor's Office of Technical Education and~~  
10 ~~Workforce Development]~~.

11 (3) The commission shall ratify all personnel decisions necessary to perform the  
12 functions required by the commission, subject to budget appropriation limits.

13 (4) The commission shall establish the proposed budget for all administrative, fire  
14 rescue training functions, and other activities in which the commission is authorized  
15 to engage, including, but not limited to, salaries, equipment, maintenance, utilities,  
16 insurance, and other matters. The commission shall submit the budget to the *Office*  
17 *of Homeland Security*~~[Kentucky Community and Technical College System]~~,  
18 which shall submit the budget, through appropriate channels, for inclusion in the  
19 executive branch budget. The *Office of Homeland Security*~~[Kentucky Community~~  
20 ~~and Technical College System]~~ shall not change the proposed budget which is  
21 submitted to it but may comment thereon in writing, with copies sent to the  
22 commission and to all agencies who receive the proposed budget during the budget  
23 process.

24 ➔Section 8. KRS 95A.240 is amended to read as follows:

25 (1) The commission shall administer the fund pursuant to the provisions of KRS  
26 95A.200 to 95A.300 and may issue such reasonable rules and regulations as, in its  
27 discretion, will facilitate the administration of the fund and further the purposes of

1 KRS 95A.200 to 95A.300.

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

6 (3) The commission shall, from the moneys appropriated to and accruing to the fund  
7 from any source, reimburse the Office of Homeland Security~~Kentucky~~  
8 ~~Community and Technical College System~~ for salaries and other costs of  
9 administering the fund, including, but not limited to the costs of commission  
10 operations. The amount of reimbursement for any given year shall be determined by  
11 the commission and shall not exceed five percent (5%) of the total appropriation to  
12 the fund for that year.

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

14 (a) Increase the amount of the four hundred (400) hour training requirement  
15 required to be completed by firefighters for basic training as set out in KRS  
16 95A.230(4), except that the commission may certify the basic training  
17 educational programs and schools of a local government conducting its own  
18 basic training courses of a different amount of hours from four hundred (400)  
19 hours that are approved by the commission in accordance with KRS 95A.040;  
20 or

21 (b) Increase the amount of the one hundred (100) hour training requirement  
22 required to be completed for annual in-service training established by KRS  
23 95A.230(5), except that the commission may certify the training and  
24 educational programs of a local government conducting its own annual in-  
25 service training school of a different amount of hours from one hundred (100)  
26 hours that is approved by the commission in accordance with KRS 95A.040.

27 (5) The commission shall have the authority to reduce or provide an alternative

1 procedure to the required four hundred (400) hours of basic training established in  
2 KRS 95A.230(4) as well as the required one hundred (100) hours of required in-  
3 service training also established in KRS 95A.230(5) if the reduction in hours or  
4 alternative procedure is based on a certification or equivalence-based testing  
5 process determined by the commission. The commission shall specifically establish  
6 the lower required hours or alternative procedure based on specific standards  
7 through an administrative regulation promulgated in accordance with KRS Chapter  
8 13A as it is authorized to do under KRS 95A.050.

9 (6) Nothing in this chapter shall be interpreted to authorize the commission or its  
10 personnel to increase the amount of the one hundred fifty (150) hour requirement  
11 required to be completed by firefighters in a volunteer fire department in order for  
12 the department to qualify for volunteer department aid under KRS 95A.262(2). The  
13 commission shall have the authority to reduce or provide an alternative procedure to  
14 achieve the required number of hours if the reduction in hours is based on a  
15 certification or equivalence-based testing process determined by the commission. If  
16 the commission seeks to reduce the hours or provide an alternative procedure to  
17 achieve the required number of hours, it shall specifically establish the lower  
18 required hours or alternative procedure through an administrative regulation  
19 promulgated in accordance with KRS Chapter 13A as it is authorized to do so under  
20 KRS 95A.050.

21 ➔Section 9. KRS 95A.250 is amended to read as follows:

22 (1) (a) An eligible local government shall be entitled to receive an annual supplement  
23 of three thousand dollars (\$3,000) and, beginning July 1, 2018, an annual  
24 supplement of four thousand dollars (\$4,000) for each qualified professional  
25 firefighter it employs, plus an amount equal to the required employer's  
26 contribution on the supplement to the defined benefit pension plan, or to a  
27 plan qualified under Section 401(a) or Section 457 of the Internal Revenue

1 Code of 1954 as amended.

2 (b) The employer's contribution to any of these plans on the supplement shall not  
3 exceed the required employer's contribution to the County Employees  
4 Retirement System pursuant to KRS Chapter 78 for the hazardous duty  
5 category. The pension contribution on the supplement shall be paid whether  
6 the professional firefighter entered the system under hazardous duty coverage  
7 or nonhazardous coverage.

8 (c) The local unit of government shall pay the amount received for retirement  
9 coverage to the appropriate retirement system to cover the required employer  
10 contribution on the supplement.

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

15 (e) 1. In addition to the payments received under paragraphs (a) and (b) of this  
16 subsection, but only if sufficient funds are available to fully reimburse  
17 each eligible local government for the employer contributions to the  
18 pension system, each local government shall receive an administrative  
19 expense reimbursement in an amount equal to seven and sixty-five one-  
20 hundredths percent (7.65%) of the total annual supplement received  
21 greater than three thousand one hundred dollars (\$3,100) for each  
22 qualified professional firefighter it employs, subject to the cap  
23 established by subparagraph 3. of this paragraph.

24 2. The local government may use the moneys received under this  
25 paragraph in any manner it deems necessary to partially cover the costs  
26 of administering the payments received under paragraph (a) of this  
27 subsection.

- 1           3. The total amount distributed under this paragraph shall not exceed the  
2           total sum of two hundred fifty thousand dollars (\$250,000) for each  
3           fiscal year. If there are insufficient funds to provide for full  
4           reimbursement as provided in subparagraph 1. of this paragraph, then  
5           the amount shall be distributed pro rata to each eligible local  
6           government so that each receives the same percentage attributable to its  
7           total receipt of the cash salary supplement.
- 8   (2) (a) Each qualified professional firefighter, whose local government receives a  
9           supplement pursuant to subsection (1)(a) of this section due to employment of  
10          the firefighter, shall receive distribution of the supplement from that local  
11          government in twelve (12) equal monthly installments with his or her pay for  
12          the last pay period of each month. The monthly distribution shall be  
13          calculated by dividing the supplement amount established in subsection (1)(a)  
14          of this section by twelve (12).
- 15       (b) The supplement disbursed to a qualified professional firefighter pursuant to  
16          this section shall not be considered "wages" as defined by KRS  
17          337.010(1)(c)1. and shall not be included in the hourly wage rate for  
18          calculation of overtime pursuant to KRS 337.285 for scheduled overtime. The  
19          supplement shall be included in the hourly wage rates for calculation of  
20          overtime for unscheduled overtime pursuant to KRS 337.285.
- 21       (c) To determine the addition to the hourly wage rate for calculation of overtime  
22          on unscheduled overtime, the annual supplement shall be divided by two  
23          thousand eighty (2,080). The overtime rate for unscheduled overtime shall be  
24          calculated by adding the quotient, which is the amount of the annual  
25          supplement divided by two thousand eighty (2,080), to the hourly wage rate  
26          and multiplying the total by one and one-half (1.5). The enhanced overtime  
27          rate shall be paid only for unscheduled overtime. Scheduled overtime shall be

1           paid at one and one-half (1.5) times the regular hourly wage rate, excluding  
2           the supplement.

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

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

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

24       ➔Section 10. KRS 95A.262 is amended to read as follows:

25       (1)   The Kentucky Fire Commission shall, in cooperation with the Cabinet for Health  
26          and Family Services, develop and implement a continuing program to inoculate  
27          every paid and volunteer firefighter in Kentucky against hepatitis A and B. The

1 program shall be funded from revenues allocated to the Firefighters Foundation  
2 Program fund pursuant to KRS 136.392 and 42.190, not to exceed five hundred  
3 thousand dollars (\$500,000) per fiscal year.

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

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

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

16 (d) If two (2) or more qualified volunteer fire departments, as defined in KRS  
17 95A.500 to 95A.560, merge after January 1, 2000, then the allotment shall be  
18 in accordance with the provisions of KRS 95A.500 to 95A.560.

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

- 24 1. Include at least twelve (12) firefighters;
- 25 2. Have a chief;
- 26 3. Have at least one (1) operational fire apparatus or one (1) on order; and
- 27 4. Have at least fifty percent (50%) of its firefighters who have completed



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

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

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

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

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

1 Kentucky Fire Commission as provided in subsection (4) of this section and shall  
2 comply with state laws applicable to capital construction projects.

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

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

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

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

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

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

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

1           whichever is less.

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

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

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

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

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

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

1 (g) A program to purchase thermal vision devices to comply with the provisions  
2 of KRS 95A.400 to 95A.440.

3 ➔Section 11. KRS 95A.270 is amended to read as follows:

4 The Finance and Administration Cabinet, on the certification of the commission, shall  
5 draw warrants as specified on the State Treasurer for the amount of the fund due each  
6 eligible local government or the Office of Homeland Security~~[Kentucky Community and~~  
7 ~~Technical College System]~~. Checks shall be issued by the State Treasurer and transmitted  
8 to the commission for distribution to the proper officials of participating local  
9 governments which have complied with the provisions of KRS 95A.200 to 95A.300.  
10 Beginning January 1, 1981, and on the first day of each month thereafter, the share of  
11 each eligible local unit shall be distributed from the fund.

12 ➔Section 12. KRS 95A.280 is amended to read as follows:

13 Each eligible local government, the Office of Homeland Security~~[Kentucky Community~~  
14 ~~and Technical College System]~~, and the Department of Military Affairs shall submit  
15 reports to the Kentucky Fire Commission on June 30, September 30, December 31, and  
16 March 31 of each year containing information relative to number, rank, education,  
17 training and compensation of firefighters and fire and rescue training coordinators in their  
18 jurisdictions and the disposition made of any state or other funds received pursuant to  
19 KRS 95A.200 to 95A.300.

20 ➔Section 13. KRS 95A.290 is amended to read as follows:

21 (1) If funds appropriated by the General Assembly and otherwise made available to the  
22 fund are insufficient to provide the amount of money required by KRS 95A.250, the  
23 commission shall make a uniform percentage reduction in the allotment of funds  
24 available.

25 (2) The provisions of subsection (1) of this section shall not apply to amounts due the  
26 Office of Homeland Security~~[Kentucky Community and Technical College~~  
27 ~~System]~~ pursuant to KRS 95A.240.

1           (3) Funds appropriated by the General Assembly and unexpended by the  
2 commission at the close of the fiscal year for which the funds were appropriated and  
3 otherwise made available to this fund pursuant to KRS 42.190, 95A.220 and 136.392  
4 shall not lapse as provided by KRS 45.229, but shall be carried forward into the  
5 following fiscal year, and shall be used solely for the purposes specified in KRS 95A.200  
6 to 95A.300.

7           ➔Section 14. The existing personnel, equipment, funds, personal property, and  
8 records of the Kentucky Fire Commission are transferred to the Office of Homeland  
9 Security.