

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. KRS 95A.020 is amended to read as follows:

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

6    (2) There is hereby created the Kentucky Fire Commission, hereinafter called  
7        "commission," which shall be attached to the Kentucky Community and Technical  
8        College System for administrative purposes only.

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

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

13       (4) The commission shall be composed of eighteen (18)~~fourteen (14)~~ members who  
14       are~~is~~ residents of the State of Kentucky~~is~~ and appointed by the Governor, as  
15       applicable. These members should be persons well qualified by experience or  
16       education in the field of fire protection or related fields.

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

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

20           1. Not a chief fire officer;  
21           2. Not a career employee of any department other than the one from which  
22            he or she is nominated; and  
23           3. Selected from a list of at least three (3) names submitted by the  
24            Kentucky Firefighters Association;

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

26           1. Not a chief fire officer;  
27           2. Not a career employee of any fire department other than the one from

which he or she is nominated; and

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

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

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

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

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

(g) One (1) member of a fire department formed under KRS Chapter 67 or 75, or a fire department in a county containing an urban-county government created pursuant to KRS Chapter 67A, who is selected from a list of at least three (3) names submitted by the Kentucky Professional Firefighters;

(h) The director of Homeland Security or his or her designee;

(i) One (1) mayor or other officer of a Kentucky city providing fire services under KRS Chapter 95 selected from a list of at least three (3) names submitted by the Kentucky League of Cities;

(j) One (1) county judge/executive or other officer of a Kentucky county selected from a list of at least three (3) names submitted by the Kentucky Association of Counties;

(k) One (1) representative of a Kentucky building, industry, or safety association;

(l) One (1) representative of the general public who is not an employee of any government or governmental agency;

(m) The state fire marshal or his or her designee; and

1 (n) One (1) officer of a fire-based emergency medical service selected from a list  
2 of at least three (3) names submitted by the executive director of the Kentucky  
3 Board of Emergency Medical Services;

4 (o) *The president of the Kentucky Community and Technical College System or*  
5 *his or her designee;*

6 (p) *The president of the Kentucky Firefighters Association or his or her*  
7 *designee;*

8 (q) *The president of the Kentucky Professional Firefighters or his or her*  
9 *designee; and*

10 (r) *The president of the Kentucky Association of Fire Chiefs or his or her*  
11 *designee.*

12 (6) [The vice president of administrative services of the Kentucky Community and  
13 Technical College System, president of the Kentucky Firefighters Association,  
14 president of the Kentucky Professional Firefighters, and president of the Kentucky  
15 Association of Fire Chiefs, or their designees, shall serve as nonvoting ex officio  
16 members of the commission.]

17 (7) [The members of the commission who are firefighters shall possess a minimum of  
18 five (5) years of fire service experience and shall be certified with the following:  
19 (a) One hundred fifty (150) hours of training for volunteer firefighters; or  
20 (b) Four hundred (400) hours of training for professional firefighters.]

21 (7)[(8)] The Kentucky Firefighters Association, Kentucky Professional Firefighters,  
22 Kentucky Association of Fire Chiefs, Kentucky Board of Emergency Medical  
23 Services Association, Kentucky League of Cities, and Kentucky Association of  
24 Counties shall submit their lists of nominees by November 15 of each year as  
25 vacancies occur.]

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

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

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

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

6           (8) (a)~~(10)~~ After the expiration of the initial appointments, Appointive members  
7           shall be appointed ***by the Governor under subsection (5)(a) to (g), (i) to (l),***  
8           ***and (n) of this section*** for a term of four (4) years.

9           (b) ***The terms of the members set out in subsection (5)(h), (m), and (o) to (r) of***  
10           ***this section shall be concurrent with and by virtue of his or her office.***

11           (c) Any member chosen by the Governor to fill a vacancy created otherwise than  
12           by expiration of term shall be appointed for the unexpired term of the member  
13           he or she is chosen to succeed.

14           (9)~~(11)~~ When vacancies occur other than by expiration of term and nominations are  
15           required, the Governor may request a new list or select an appointee from a  
16           previously submitted list. Appointive members shall not serve more than two (2)  
17           consecutive four (4) year terms.

18           (10)~~(12)~~ A majority of the voting members appointed to the commission shall  
19           constitute a quorum. The commission shall:

20           (a) Meet at least four (4) times per year upon call of the chair, or upon the written  
21           request of any five (5) members; and  
22           (b) Annually elect a chair, vice chair, and secretary in accordance with KRS  
23           95A.030.

24           (11)~~(13)~~ A member of the commission who misses three (3) regular meetings, without  
25           the approval of the chairman, in one (1) year shall be deemed to have resigned from  
26           the commission and his or her position shall be deemed to be vacant. As used in this  
27           subsection, a "year" begins when the first meeting is missed and ends three hundred

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

7       (12){(14)} Members of the commission shall receive no compensation for their services  
8       but shall be allowed their actual and necessary expenses incurred in the  
9       performance of their functions.

10      ➔ Section 2. KRS 95A.262 is amended to read as follows:

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

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

18     (c) *Program funds in excess of the costs of inoculating firefighters under*  
19       *paragraph (a) of this subsection may be used to reimburse firefighters for*  
20       *out-of-pocket expenses for cancer screenings under subsection (16)(h) of*  
21       *this section.*

22     (2) (a) Except as provided in subsection (3) of this section, the Kentucky Fire  
23       Commission shall allot on an annual basis a share of the funds accruing to and  
24       appropriated for volunteer fire department aid to volunteer fire departments in  
25       cities of all classes, fire protection districts organized pursuant to KRS  
26       Chapter 75, county districts established under authority of KRS 67.083, and  
27       volunteer fire departments created as nonprofit corporations pursuant to KRS

1                   Chapter 273.

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

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

7                   (d) If two (2) or more qualified volunteer fire departments, as defined in KRS  
8                   95A.500 to 95A.560, merge after January 1, 2000, then the allotment shall be  
9                   in accordance with the provisions of KRS 95A.500 to 95A.560.

10                  (e) Administrative regulations for determining qualifications shall be based on  
11                   the number of both paid firefighters and volunteer firemen within a volunteer  
12                   fire department, the amount of equipment, housing facilities available, and  
13                   any other matters or standards that will best effect the purposes of the  
14                   volunteer fire department aid law. A qualifying department shall:  
15                   1. Include at least twelve (12) firefighters;  
16                   2. Have a chief;  
17                   3. Have at least one (1) operational fire apparatus or one (1) on order; and  
18                   4. Have at least fifty percent (50%) of its firefighters who have completed  
19                   at least one-half (1/2) of one hundred fifty (150) training hours, or as  
20                   otherwise established by the commission under KRS 95A.240(6),  
21                   toward certification within the first six (6) months of the first year of the  
22                   department's application for certification, and there shall be a plan to  
23                   complete the one hundred fifty (150) training hours, or as otherwise  
24                   established by the commission by KRS 95A.240(6), within the second  
25                   year.

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

- 1 (f) No allotment shall exceed the total value of the funds, equipment, lands, and  
2 buildings made available to the local fire units from any source whatever for  
3 the year in which the allotment is made.
- 4 (g) A portion of the funds provided for above may be used to purchase group or  
5 blanket health insurance and shall be used to purchase workers' compensation  
6 insurance, and the remaining funds shall be distributed as provided in this  
7 section.
- 8 (3) There shall be allotted two hundred thousand dollars (\$200,000) of the insurance  
9 premium surcharge proceeds accruing to the Firefighters Foundation Program fund  
10 that shall be allocated each fiscal year of the biennium to the firefighters training  
11 center fund, which is hereby created and established, for the purposes of  
12 constructing new or upgrading existing training centers for firefighters. If any  
13 moneys in the training center fund remain uncommitted, unobligated, or  
14 unexpended at the close of the first fiscal year of the biennium, then such moneys  
15 shall be carried forward to the second fiscal year of the biennium, and shall be  
16 reallocated to and for the use of the training center fund, in addition to the second  
17 fiscal year's allocation of two hundred thousand dollars (\$200,000). Prior to funding  
18 any project pursuant to this subsection, a proposed project shall be approved by the  
19 Kentucky Fire Commission as provided in subsection (4) of this section and shall  
20 comply with state laws applicable to capital construction projects.
- 21 (4) Applications for funding low-interest loans and firefighters' training centers shall be  
22 submitted to the Kentucky Fire Commission for their recommendation, approval,  
23 disapproval, or modification. The commission shall review applications  
24 periodically, and shall, subject to funds available, recommend which applications  
25 shall be funded and at what levels, together with any terms and conditions the  
26 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 Kentucky Fire Commission.

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

6 (7) *The commission shall reimburse the Kentucky Community and Technical College*  
7 *System for salaries and other costs of administering funds as set out in this*  
8 *section, and the reimbursement shall be considered a part of the reimbursement*  
9 *described in KRS 95A.240(3). The reimbursement set out in this subsection and*  
10 *all other reimbursements associated with administering the fund shall not*  
11 *collectively exceed five percent (5%) of the total appropriation to the fund for that*  
12 *year as set out in KRS 95A.240(3)*~~[The amount of reimbursement for any given~~  
13 ~~year for costs incurred by the Kentucky Community and Technical College System~~  
14 ~~for administering these funds, including but not limited to the expenses and costs of~~  
15 ~~commission operations, shall be determined by the commission and shall not~~  
16 ~~exceed five percent (5%) of the total amount of moneys accruing to the Firefighters~~  
17 ~~Foundation Program fund which are allotted for the purposes specified in this~~  
18 ~~section during any fiscal year]~~.

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

23 (9) Moneys withheld pursuant to subsection (8) of this section shall be distributed only  
24 under the following terms and conditions:  
25 (a) A volunteer fire department has lost or damaged beyond repair items of  
26 personal protective clothing or equipment due to that equipment having been  
27 lost or damaged as a result of an incident in which a hazardous material (as

1 defined in any state or federal statute or regulation) was the causative agent of  
2 the loss;

- (b) The volunteer fire department has made application in writing to the commission for reimbursement in a manner approved by the commission and the loss and the circumstances thereof have been verified by the commission;
- (c) The loss of or damage to the equipment has not been reimbursed by the person responsible for the hazardous materials incident or by any other person;
- (d) The commission has determined that the volunteer fire department does not have the fiscal resources to replace the equipment;
- (e) The commission has determined that the equipment sought to be replaced is immediately necessary to protect the lives of the volunteer firefighters of the fire department;
- (f) The fire department has agreed in writing to subrogate all claims for and rights to reimbursement for the lost or damaged equipment to the Commonwealth to the extent that the Commonwealth provides reimbursement to the department; and
- (g) The department has shown to the satisfaction of the commission that it has made reasonable attempts to secure reimbursement for its losses from the person responsible for the hazardous materials incident and has been unsuccessful in the effort.

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

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

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

25   (16) If funding is available from the fund established in KRS 95A.220, the Kentucky  
26           Fire Commission may implement the following:  
27           (a) A program to prepare emergency service personnel for handling potential

1 man-made and non-man-made threats. The commission shall work in  
2 conjunction with the state fire marshal and other appropriate agencies and  
3 associations to identify and make maps of gas transmission and hazardous  
4 liquids pipelines in the state;

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

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

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

18 (e) A program to establish a rotational expansion and replacement program for  
19 mobile fleet equipment currently used for training and recertification of fire  
20 departments;

21 (f) A program to expand and update current emergency medical services,  
22 emergency medical responder, emergency medical technician, advanced  
23 emergency medical technician, and paramedic training and certification  
24 instruction;

25 (g) A program to purchase thermal vision devices to comply with the provisions  
26 of KRS 95A.400 to 95A.440; and

27 (h) A program to reimburse firefighters for out-of-pocket expenses for cancer

1                    screenings in accordance with subsection (1) of this section. The commission  
2                    may promulgate administrative regulations pursuant to KRS Chapter 13A to:

3                    1. Establish a periodic cap and maximum on the reimbursement to the  
4                    firefighter seeking reimbursement;

5                    2. Establish which cancer screening tests are eligible for reimbursement,  
6                    provided that only cancer screening tests approved by the United States  
7                    Food and Drug Administration for cancer detection in humans may be  
8                    reimbursed;

9                    3. Determine eligibility requirements for participants, which in the  
10                  discretion of the commission may also include retired firefighters; and

11                  4. Establish any other policy to effect the purposes of this program.