

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 designee.**

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

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

20 (7)[(8)] The Kentucky Firefighters Association, Kentucky Professional Firefighters,
21 Kentucky Association of Fire Chiefs, Kentucky Board of Emergency Medical
22 Services Association, Kentucky League of Cities, and Kentucky Association of
23 Counties shall submit their lists of nominees by November 15 of each year as
24 vacancies occur.]

25 (9) [The Governor shall appoint members of the commission to staggered terms not to
26 exceed four (4) years. However, initial appointments shall be appointed as follows:
27 (a) Four (4) members shall serve for two (2) year terms ending November 30,

1 2021;

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

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

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

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

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

13 (9)~~[(11)]~~ When vacancies occur other than by expiration of term and nominations are
14 required, the Governor may request a new list or select an appointee from a
15 previously submitted list. Appointive members shall not serve more than two (2)
16 consecutive four (4) year terms.

17 (10)~~[(12)]~~ A majority of the voting members appointed to the commission shall
18 constitute a quorum. The commission shall:

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

23 (11)~~[(13)]~~ A member of the commission who misses three (3) regular meetings, without
24 the approval of the chairman, in one (1) year shall be deemed to have resigned from
25 the commission and his or her position shall be deemed to be vacant. As used in this
26 subsection, a "year" begins when the first meeting is missed and ends three hundred
27 sixty-five (365) days later or when the third meeting is missed, whichever occurs

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

6 (12)~~(14)~~ Members of the commission shall receive no compensation for their services
7 but shall be allowed their actual and necessary expenses incurred in the
8 performance of their functions.

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

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

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

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

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

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

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

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

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

25 (g) A portion of the funds provided for above may be used to purchase group or
26 blanket health insurance and shall be used to purchase workers' compensation
27 insurance, and the remaining funds shall be distributed as provided in this

1 section.

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

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

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

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

27 (7) ***The commission shall reimburse the Kentucky Community and Technical College***

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

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

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

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

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

27 (c) The loss of or damage to the equipment has not been reimbursed by the

1 person responsible for the hazardous materials incident or by any other
2 person;

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

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

8 (f) The fire department has agreed in writing to subrogate all claims for and
9 rights to reimbursement for the lost or damaged equipment to the
10 Commonwealth to the extent that the Commonwealth provides reimbursement
11 to the department; and

12 (g) The department has shown to the satisfaction of the commission that it has
13 made reasonable attempts to secure reimbursement for its losses from the
14 person responsible for the hazardous materials incident and has been
15 unsuccessful in the effort.

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

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

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

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

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

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

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

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

26 (b) A program to provide and maintain a mobile test facility in each training
27 region established by the Kentucky Fire Commission with equipment to

1 administer Comprehensive Physical Aptitude Tests (CPAT) to ascertain a
2 firefighter's ability to perform the physical requirements necessary to be an
3 effective and safe firefighter;

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

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

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

15 (f) A program to expand and update current emergency medical services,
16 emergency medical responder, emergency medical technician, advanced
17 emergency medical technician, and paramedic training and certification
18 instruction;

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

21 (h) A program to reimburse firefighters for out-of-pocket expenses for cancer
22 screenings. **Reimbursements for screenings may be drawn from revenues**
23 **allocated to the Firefighters Foundation Program fund pursuant to KRS**
24 **42.190 and 136.392.** The commission may promulgate administrative
25 regulations pursuant to KRS Chapter 13A to:

26 1. Establish a periodic cap and maximum on the reimbursement to the
27 firefighter seeking reimbursement;

- 1 2. Establish which cancer screening tests are eligible for reimbursement,
- 2 provided that only cancer screening tests approved by the United States
- 3 Food and Drug Administration for cancer detection in humans may be
- 4 reimbursed;
- 5 3. Determine eligibility requirements for participants, which in the
- 6 discretion of the commission may also include retired firefighters; and
- 7 4. Establish any other policy to effect the purposes of this program.