

1 AN ACT relating to the Commission on Fire Protection Personnel Standards and  
2 Education.

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

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 95A IS CREATED TO  
5 READ AS FOLLOWS:

6 *(1) Effective July 1, 2019, employees of the Kentucky Community and Technical*  
7 *College System who are engaged in the full time provision of instructional and*  
8 *support services to the mission of the Commission on Fire Protection Personnel*  
9 *Standards and Education shall be transferred to the Division of Fire Protection*  
10 *Personnel Standards and Education within the Department of Housing,*  
11 *Buildings and Construction along with the funding associated with those*  
12 *employees.*

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 *accumulations; 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 Teacher's 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, 2019, 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 pursuant to subsection (1) of this section shall be eligible to  
 6 participate in the state-sponsored life and health insurance benefits program  
 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 2. A NEW SECTION OF KRS CHAPTER 95A IS CREATED TO  
 12 READ AS FOLLOWS:

13 (1) The commissioner, or his or her designee, with advice and consultation from the  
 14 commission, shall exercise all budgetary authority and may expend for the  
 15 purpose of fire safety, fire prevention, or crisis response services any funds  
 16 allocated for or paid into the Firefighters Foundation Program Fund pursuant to  
 17 KRS 95A.240, the Thermal Vision Grant Program, and any other fund previously  
 18 administered by the Kentucky Community and Technical College System or the  
 19 Commission on Fire Protection Personnel Standards and Education.

20 (2) In consultation with the commission, the commissioner shall promulgate  
 21 administrative regulations relating to fire protection personnel standards and  
 22 education.

23 ➔Section 3. KRS 12.020 is amended to read as follows:

24 Departments, program cabinets and their departments, and the respective major  
 25 administrative bodies that they include are enumerated in this section. It is not intended  
 26 that this enumeration of administrative bodies be all-inclusive. Every authority, board,  
 27 bureau, interstate compact, commission, committee, conference, council, office, or any

1 other form of organization shall be included in or attached to the department or program  
2 cabinet in which they are included or to which they are attached by statute or statutorily  
3 authorized executive order; except in the case of the Personnel Board and where the  
4 attached department or administrative body is headed by a constitutionally elected officer,  
5 the attachment shall be solely for the purpose of dissemination of information and  
6 coordination of activities and shall not include any authority over the functions,  
7 personnel, funds, equipment, facilities, or records of the department or administrative  
8 body.

9 I. Cabinet for General Government - Departments headed by elected officers:

- 10 (1) The Governor.  
11 (2) Lieutenant Governor.  
12 (3) Department of State.  
13 (a) Secretary of State.  
14 (b) Board of Elections.  
15 (c) Registry of Election Finance.  
16 (4) Department of Law.  
17 (a) Attorney General.  
18 (5) Department of the Treasury.  
19 (a) Treasurer.  
20 (6) Department of Agriculture.  
21 (a) Commissioner of Agriculture.  
22 (b) Kentucky Council on Agriculture.  
23 (7) Auditor of Public Accounts.

24 II. Program cabinets headed by appointed officers:

- 25 (1) Justice and Public Safety Cabinet:  
26 (a) Department of Kentucky State Police.  
27 (b) Department of Criminal Justice Training.

- 1 (c) Department of Corrections.
- 2 (d) Department of Juvenile Justice.
- 3 (e) Office of the Secretary.
- 4 (f) Office of Drug Control Policy.
- 5 (g) Office of Legal Services.
- 6 (h) Office of the Kentucky State Medical Examiner.
- 7 (i) Parole Board.
- 8 (j) Kentucky State Corrections Commission.
- 9 (k) Office of Legislative and Intergovernmental Services.
- 10 (l) Office of Management and Administrative Services.
- 11 (m) Department of Public Advocacy.
- 12 (2) Education and Workforce Development Cabinet:
- 13 (a) Office of the Secretary.
- 14 1. Governor's Scholars Program.
- 15 2. Governor's School for Entrepreneurs Program.
- 16 (b) Office of Legal and Legislative Services.
- 17 1. Client Assistance Program.
- 18 (c) Office of Communication.
- 19 (d) Office of Budget and Administration.
- 20 1. Division of Human Resources.
- 21 2. Division of Administrative Services.
- 22 (e) Office of Technology Services.
- 23 (f) Office of Educational Programs.
- 24 (g) Office for Education and Workforce Statistics.
- 25 (h) Board of the Kentucky Center for Education and Workforce Statistics.
- 26 (i) Board of Directors for the Center for School Safety.
- 27 (j) Department of Education.

- 1                   1.    Kentucky Board of Education.
- 2                   2.    Kentucky Technical Education Personnel Board.
- 3                   (k)  Department for Libraries and Archives.
- 4                   (l)  Department of Workforce Investment.
  - 5                   1.    Office for the Blind.
  - 6                   2.    Office of Vocational Rehabilitation.
  - 7                   3.    Office of Employment and Training.
    - 8                   a.    Division of Grant Management and Support.
    - 9                   b.    Division of Workforce and Employment Services.
    - 10                  c.    Division of Unemployment Insurance.
- 11                  (m)  Foundation for Workforce Development.
- 12                  (n)  Kentucky Office for the Blind State Rehabilitation Council.
- 13                  (o)  Kentucky Workforce Investment Board.
- 14                  (p)  Statewide Council for Vocational Rehabilitation.
- 15                  (q)  Unemployment Insurance Commission.
- 16                  (r)  Education Professional Standards Board.
  - 17                  1.    Division of Educator Preparation.
  - 18                  2.    Division of Certification.
  - 19                  3.    Division of Professional Learning and Assessment.
  - 20                  4.    Division of Legal Services.
- 21                  (s)  Kentucky Commission on the Deaf and Hard of Hearing.
- 22                  (t)  Kentucky Educational Television.
- 23                  (u)  Kentucky Environmental Education Council.
- 24                  (3)  Energy and Environment Cabinet:
  - 25                  (a)  Office of the Secretary.
    - 26                  1.    Office of Legislative and Intergovernmental Affairs.
    - 27                  2.    Office of Legal Services.

- 1 a. Legal Division I.
- 2 b. Legal Division II.
- 3 3. Office of Administrative Hearings.
- 4 4. Office of Communication.
- 5 5. Mine Safety Review Commission.
- 6 6. Office of Kentucky Nature Preserves.
- 7 7. Kentucky Public Service Commission.
- 8 (b) Department for Environmental Protection.
- 9 1. Office of the Commissioner.
- 10 2. Division for Air Quality.
- 11 3. Division of Water.
- 12 4. Division of Environmental Program Support.
- 13 5. Division of Waste Management.
- 14 6. Division of Enforcement.
- 15 7. Division of Compliance Assistance.
- 16 (c) Department for Natural Resources.
- 17 1. Office of the Commissioner.
- 18 2. Division of Mine Permits.
- 19 3. Division of Mine Reclamation and Enforcement.
- 20 4. Division of Abandoned Mine Lands.
- 21 5. Division of Oil and Gas.
- 22 6. Division of Mine Safety.
- 23 7. Division of Forestry.
- 24 8. Division of Conservation.
- 25 9. Office of the Reclamation Guaranty Fund.
- 26 (d) Office of Energy Policy.
- 27 1. Division of Energy Assistance.

- 1 (e) Office of Administrative Services.
- 2 1. Division of Human Resources Management.
- 3 2. Division of Financial Management.
- 4 3. Division of Information Services.
- 5 (4) Public Protection Cabinet.
- 6 (a) Office of the Secretary.
- 7 1. Office of Communications and Public Outreach.
- 8 2. Office of Legal Services.
- 9 a. Insurance Legal Division.
- 10 b. Charitable Gaming Legal Division.
- 11 c. Alcoholic Beverage Control Legal Division.
- 12 d. Housing, Buildings and Construction Legal Division.
- 13 e. Financial Institutions Legal Division.
- 14 f. Professional Licensing Legal Division.
- 15 3. Office of Administrative Hearings.
- 16 4. Office of Administrative Services.
- 17 a. Division of Human Resources.
- 18 b. Division of Fiscal Responsibility.
- 19 (b) Kentucky Claims Commission.
- 20 (c) Kentucky Boxing and Wrestling Commission.
- 21 (d) Kentucky Horse Racing Commission.
- 22 1. Office of Executive Director.
- 23 a. Division of Pari-mutuel Wagering and Compliance.
- 24 b. Division of Stewards.
- 25 c. Division of Licensing.
- 26 d. Division of Enforcement.
- 27 e. Division of Incentives and Development.

- 1 f. Division of Veterinary Services.
- 2 (e) Department of Alcoholic Beverage Control.
- 3 1. Division of Distilled Spirits.
- 4 2. Division of Malt Beverages.
- 5 3. Division of Enforcement.
- 6 (f) Department of Charitable Gaming.
- 7 1. Division of Licensing and Compliance.
- 8 2. Division of Enforcement.
- 9 (g) Department of Financial Institutions.
- 10 1. Division of Depository Institutions.
- 11 2. Division of Non-Depository Institutions.
- 12 3. Division of Securities.
- 13 (h) Department of Housing, Buildings and Construction.
- 14 1. Division of Fire Prevention.
- 15 2. **Division of Fire Protection Personnel Standards and Education.**
- 16 **3.** Division of Plumbing.
- 17 **4.**<sup>[3]</sup> **Electrical Division.**
- 18 **5.** Division of Heating, Ventilation, and Air Conditioning.
- 19 **6.**<sup>[4]</sup> Division of Building Code Enforcement.
- 20 (i) Department of Insurance.
- 21 1. Division of Insurance Product Regulation.
- 22 2. Division of Administrative Services.
- 23 3. Division of Financial Standards and Examination.
- 24 4. Division of Agent Licensing.
- 25 5. Division of Insurance Fraud Investigation.
- 26 6. Division of Consumer Protection.
- 27 7. Division of Kentucky Access.



- 1 (j) Department of Professional Licensing.
- 2 1. Real Estate Authority.
- 3 (5) Labor Cabinet.
- 4 (a) Office of the Secretary.
- 5 1. Office of General Counsel.
- 6 a. Workplace Standards Legal Division.
- 7 b. Workers' Claims Legal Division.
- 8 2. Office of Administrative Services.
- 9 a. Division of Human Resources Management.
- 10 b. Division of Fiscal Management.
- 11 c. Division of Professional Development and Organizational
- 12 Management.
- 13 d. Division of Information Technology and Support Services.
- 14 3. Office of Inspector General.
- 15 (b) Department of Workplace Standards.
- 16 1. Division of Apprenticeship.
- 17 2. Division of Occupational Safety and Health Compliance.
- 18 3. Division of Occupational Safety and Health Education and
- 19 Training.
- 20 4. Division of Wages and Hours.
- 21 (c) Department of Workers' Claims.
- 22 1. Division of Workers' Compensation Funds.
- 23 2. Office of Administrative Law Judges.
- 24 3. Division of Claims Processing.
- 25 4. Division of Security and Compliance.
- 26 5. Division of Information Services.
- 27 6. Division of Specialist and Medical Services.

- 1                   7.    Workers' Compensation Board.
- 2                   (d)   Workers' Compensation Funding Commission.
- 3                   (e)   Occupational Safety and Health Standards Board.
- 4                   (f)   Apprenticeship and Training Council.
- 5                   (g)   State Labor Relations Board.
- 6                   (h)   Employers' Mutual Insurance Authority.
- 7                   (i)   Kentucky Occupational Safety and Health Review Commission.
- 8                   (j)   Workers' Compensation Nominating Committee.
- 9           (6)   Transportation Cabinet:
- 10                  (a)   Department of Highways.
- 11                   1.    Office of Project Development.
- 12                   2.    Office of Project Delivery and Preservation.
- 13                   3.    Office of Highway Safety.
- 14                   4.    Highway District Offices One through Twelve.
- 15                  (b)   Department of Vehicle Regulation.
- 16                  (c)   Department of Aviation.
- 17                  (d)   Department of Rural and Municipal Aid.
- 18                   1.    Office of Local Programs.
- 19                   2.    Office of Rural and Secondary Roads.
- 20                  (e)   Office of the Secretary.
- 21                   1.    Office of Public Affairs.
- 22                   2.    Office for Civil Rights and Small Business Development.
- 23                   3.    Office of Budget and Fiscal Management.
- 24                   4.    Office of Inspector General.
- 25                  (f)   Office of Support Services.
- 26                  (g)   Office of Transportation Delivery.
- 27                  (h)   Office of Audits.

- 1 (i) Office of Human Resource Management.
- 2 (j) Office of Information Technology.
- 3 (k) Office of Legal Services.
- 4 (7) Cabinet for Economic Development:
- 5 (a) Office of the Secretary.
- 6 1. Office of Legal Services.
- 7 2. Department for Business Development.
- 8 3. Department for Financial Services.
- 9 a. Kentucky Economic Development Finance Authority.
- 10 b. Finance and Personnel Division.
- 11 c. IT and Resource Management Division.
- 12 d. Compliance Division.
- 13 e. Incentive Administration Division.
- 14 f. Bluegrass State Skills Corporation.
- 15 4. Office of Marketing and Public Affairs.
- 16 a. Communications Division.
- 17 b. Graphics Design Division.
- 18 5. Office of Workforce, Community Development, and Research.
- 19 6. Office of Entrepreneurship.
- 20 a. Commission on Small Business Advocacy.
- 21 (8) Cabinet for Health and Family Services:
- 22 (a) Office of the Secretary.
- 23 (b) Office of Health Policy.
- 24 (c) Office of Legal Services.
- 25 (d) Office of Inspector General.
- 26 (e) Office of Communications and Administrative Review.
- 27 (f) Office of the Ombudsman.

- 1 (g) Office of Finance and Budget.
- 2 (h) Office of Human Resource Management.
- 3 (i) Office of Administrative and Technology Services.
- 4 (j) Department for Public Health.
- 5 (k) Department for Medicaid Services.
- 6 (l) Department for Behavioral Health, Developmental and Intellectual
- 7 Disabilities.
- 8 (m) Department for Aging and Independent Living.
- 9 (n) Department for Community Based Services.
- 10 (o) Department for Income Support.
- 11 (p) Department for Family Resource Centers and Volunteer Services.
- 12 (q) Office for Children with Special Health Care Needs.
- 13 (r) Governor's Office of Electronic Health Information.
- 14 (s) Office of Legislative and Regulatory Affairs.
- 15 (9) Finance and Administration Cabinet:
- 16 (a) Office of the Secretary.
- 17 (b) Office of the Inspector General.
- 18 (c) Office of Legislative and Intergovernmental Affairs.
- 19 (d) Office of General Counsel.
- 20 (e) Office of the Controller.
- 21 (f) Office of Administrative Services.
- 22 (g) Office of Policy and Audit.
- 23 (h) Department for Facilities and Support Services.
- 24 (i) Department of Revenue.
- 25 (j) Commonwealth Office of Technology.
- 26 (k) State Property and Buildings Commission.
- 27 (l) Office of Equal Employment Opportunity and Contract Compliance.

- 1 (m) Kentucky Employees Retirement Systems.
- 2 (n) Commonwealth Credit Union.
- 3 (o) State Investment Commission.
- 4 (p) Kentucky Housing Corporation.
- 5 (q) Kentucky Local Correctional Facilities Construction Authority.
- 6 (r) Kentucky Turnpike Authority.
- 7 (s) Historic Properties Advisory Commission.
- 8 (t) Kentucky Tobacco Settlement Trust Corporation.
- 9 (u) Kentucky Higher Education Assistance Authority.
- 10 (v) Kentucky River Authority.
- 11 (w) Kentucky Teachers' Retirement System Board of Trustees.
- 12 (x) Executive Branch Ethics Commission.
- 13 (10) Tourism, Arts and Heritage Cabinet:
  - 14 (a) Kentucky Department of Tourism.
    - 15 1. Division of Tourism Services.
    - 16 2. Division of Marketing and Administration.
    - 17 3. Division of Communications and Promotions.
  - 18 (b) Kentucky Department of Parks.
    - 19 1. Division of Information Technology.
    - 20 2. Division of Human Resources.
    - 21 3. Division of Financial Operations.
    - 22 4. Division of Facilities Management.
    - 23 5. Division of Facilities Maintenance.
    - 24 6. Division of Customer Services.
    - 25 7. Division of Recreation.
    - 26 8. Division of Golf Courses.
    - 27 9. Division of Food Services.

- 1                   10. Division of Rangers.
- 2                   11. Division of Resort Parks.
- 3                   12. Division of Recreational Parks and Historic Sites.
- 4           (c) Department of Fish and Wildlife Resources.
- 5                   1. Division of Law Enforcement.
- 6                   2. Division of Administrative Services.
- 7                   3. Division of Engineering, Infrastructure, and Technology.
- 8                   4. Division of Fisheries.
- 9                   5. Division of Information and Education.
- 10                  6. Division of Wildlife.
- 11                  7. Division of Marketing.
- 12           (d) Kentucky Horse Park.
- 13                   1. Division of Support Services.
- 14                   2. Division of Buildings and Grounds.
- 15                   3. Division of Operational Services.
- 16           (e) Kentucky State Fair Board.
- 17                   1. Office of Administrative and Information Technology Services.
- 18                   2. Office of Human Resources and Access Control.
- 19                   3. Division of Expositions.
- 20                   4. Division of Kentucky Exposition Center Operations.
- 21                   5. Division of Kentucky International Convention Center.
- 22                   6. Division of Public Relations and Media.
- 23                   7. Division of Venue Services.
- 24                   8. Division of Personnel Management and Staff Development.
- 25                   9. Division of Sales.
- 26                   10. Division of Security and Traffic Control.
- 27                   11. Division of Information Technology.

- 1                   12. Division of the Louisville Arena.
- 2                   13. Division of Fiscal and Contract Management.
- 3                   14. Division of Access Control.
- 4           (f) Office of the Secretary.
  - 5                   1. Office of Finance.
  - 6                   2. Office of Government Relations and Administration.
  - 7                   3. Office of Film and Tourism Development.
- 8           (g) Office of Legal Affairs.
- 9           (h) Office of Human Resources.
- 10           (i) Office of Public Affairs and Constituent Services.
- 11           (j) Office of Arts and Cultural Heritage.
- 12           (k) Kentucky African-American Heritage Commission.
- 13           (l) Kentucky Foundation for the Arts.
- 14           (m) Kentucky Humanities Council.
- 15           (n) Kentucky Heritage Council.
- 16           (o) Kentucky Arts Council.
- 17           (p) Kentucky Historical Society.
  - 18                   1. Division of Museums.
  - 19                   2. Division of Oral History and Educational Outreach.
  - 20                   3. Division of Research and Publications.
  - 21                   4. Division of Administration.
- 22           (q) Kentucky Center for the Arts.
  - 23                   1. Division of Governor's School for the Arts.
- 24           (r) Kentucky Artisans Center at Berea.
- 25           (s) Northern Kentucky Convention Center.
- 26           (t) Eastern Kentucky Exposition Center.
- 27           (11) Personnel Cabinet:

- 1 (a) Office of the Secretary.
- 2 (b) Department of Human Resources Administration.
- 3 (c) Office of Employee Relations.
- 4 (d) Kentucky Public Employees Deferred Compensation Authority.
- 5 (e) Office of Administrative Services.
- 6 (f) Office of Legal Services.
- 7 (g) Governmental Services Center.
- 8 (h) Department of Employee Insurance.
- 9 (i) Office of Diversity, Equality, and Training.
- 10 (j) Office of Public Affairs.

11 III. Other departments headed by appointed officers:

- 12 (1) Council on Postsecondary Education.
- 13 (2) Department of Military Affairs.
- 14 (3) Department for Local Government.
- 15 (4) Kentucky Commission on Human Rights.
- 16 (5) Kentucky Commission on Women.
- 17 (6) Department of Veterans' Affairs.
- 18 (7) Kentucky Commission on Military Affairs.
- 19 (8) Office of Minority Empowerment.
- 20 (9) Governor's Council on Wellness and Physical Activity.
- 21 (10) Kentucky Communications Network Authority.

22 ➔Section 4. KRS 61.315 is amended to read as follows:

23 (1) As used in this section:

- 24 (a) "Police officer" means every paid police officer, sheriff, or deputy sheriff,
- 25 corrections employee with the power of a peace officer pursuant to KRS
- 26 196.037, any metropolitan or urban-county correctional officer with the power
- 27 of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any



1 auxiliary police officer appointed pursuant to KRS 95.445, any police officer  
2 of a public institution of postsecondary education appointed pursuant to KRS  
3 164.950, or any citation or safety officer appointed pursuant to KRS 83A.087  
4 and 83A.088, elected to office, or employed by any county, airport board  
5 created pursuant to KRS Chapter 183, city, or by the state;

6 (b) "Firefighter" means every paid firefighter or volunteer firefighter who is  
7 employed by or volunteers his or her services to the state, airport board  
8 created pursuant to KRS Chapter 183, any county, city, fire district, or any  
9 other organized fire department recognized, pursuant to KRS 95A.262, as a  
10 fire department operated and maintained on a nonprofit basis in the interest of  
11 the health and safety of the inhabitants of the Commonwealth and shall  
12 include qualified civilian firefighters employed at Kentucky-based military  
13 installations; and

14 (c) "Emergency medical services personnel" means any paid or volunteer  
15 emergency medical services personnel who is certified or licensed pursuant to  
16 KRS Chapter 311A and who is employed directly by, or volunteering directly  
17 for, any:

- 18 1. County;
- 19 2. City;
- 20 3. Fire protection district created under KRS 75.010 to 75.260; or
- 21 4. Emergency ambulance service district created under KRS 108.080 to  
22 108.180;

23 to provide emergency medical services.

24 (2) The spouse of any police officer, sheriff, deputy sheriff, corrections employee with  
25 the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-  
26 county correctional officer with the power of a peace officer pursuant to KRS  
27 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant

1 to KRS 95.445, any police officer of a public institution of postsecondary education  
2 appointed pursuant to KRS 164.950, or any citation or safety officer appointed  
3 pursuant to KRS 83A.087 and 83A.088, firefighter, or member of the Kentucky  
4 National Guard on state active duty pursuant to KRS 38.030, or a member of a state  
5 National Guard or a Reserve component on federal active duty under Title 10 or 32  
6 of the United States Code who names Kentucky as home of record for military  
7 purposes, whose death occurs on or after July 1, 2002, as a direct result of an act in  
8 the line of duty shall receive a lump-sum payment of eighty thousand dollars  
9 (\$80,000) if there are no surviving children, which sum shall be paid by the State  
10 Treasurer from the general fund of the State Treasury. The spouse of any emergency  
11 medical services personnel whose death occurs on or after November 1, 2015, as a  
12 direct result of an act in the line of duty shall receive a lump-sum payment of eighty  
13 thousand dollars (\$80,000) if there are no surviving children, which sum shall be  
14 paid by the State Treasurer from the general fund of the State Treasury. If there are  
15 surviving children and a surviving spouse, the payment shall be apportioned equally  
16 among the surviving children and the spouse. If there is no surviving spouse, the  
17 payment shall be made to the surviving children, eighteen (18) or more years of age.  
18 For surviving children less than eighteen (18) years of age, the State Treasurer shall:  
19 (a) Pay thirty-five thousand dollars (\$35,000) to the surviving children; and  
20 (b) Hold forty-five thousand dollars (\$45,000) in trust divided into equal accounts  
21 at appropriate interest rates for each surviving child until the child reaches the  
22 age of eighteen (18) years.

23 If a child dies before reaching the age of eighteen (18) years, his or her account shall  
24 be paid to his or her estate. If there are no surviving children, the payment shall be  
25 made to any parents of the deceased.

26 (3) The commissioner of the Department of Housing, Building and Construction  
27 with advice and consultation from the Commission on Fire Protection Personnel

1 Standards and Education shall be authorized to promulgate administrative  
2 regulations establishing criteria and procedures applicable to the administration of  
3 this section as it pertains to both paid and volunteer firefighters, including but not  
4 limited to defining when a firefighter has died in line of duty. Administrative  
5 hearings promulgated by administrative regulation under authority of this  
6 subsection shall be conducted in accordance with KRS Chapter 13B.

7 (4) The Justice and Public Safety Cabinet may promulgate administrative regulations  
8 establishing criteria and procedures applicable to the administration of this section  
9 as it pertains to police officers, any metropolitan or urban-county correctional  
10 officers with the power of a peace officer pursuant to KRS 446.010, or any jailers or  
11 deputy jailers, including but not limited to defining when one has died in line of  
12 duty. Administrative hearings promulgated by administrative regulation under  
13 authority of this subsection shall be conducted in accordance with KRS Chapter  
14 13B.

15 (5) The Department of Corrections shall promulgate administrative regulations  
16 establishing the criteria and procedures applicable to the administration of this  
17 section as it pertains to correctional employees, including but not limited to defining  
18 which employees qualify for coverage and which circumstances constitute death in  
19 the line of duty.

20 (6) The Kentucky Board of Emergency Medical Services shall promulgate  
21 administrative regulations establishing the criteria and procedures applicable to the  
22 administration of this section as it pertains to emergency medical services  
23 personnel, including but not limited to which employees or volunteers qualify for  
24 coverage and which circumstances constitute death in the line of duty.

25 (7) The Department of Military Affairs shall promulgate administrative regulations  
26 establishing the criteria and procedures applicable to the administration of this  
27 section as it pertains to National Guard or Reserve component members, including

1 but not limited to defining which National Guard or Reserve component members  
2 qualify for coverage and which circumstances constitute death in the line of duty.

3 (8) The estate of anyone whose spouse or surviving children would be eligible for  
4 benefits under subsection (2) of this section, and the estate of any regular member  
5 of the United States Armed Forces who names Kentucky as home of record for  
6 military purposes whose death occurs as a direct result of an act in the line of duty,  
7 shall be exempt from all probate fees, including but not limited to those established  
8 by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or  
9 imposed under KRS 24A.185, 64.012, and 172.180.

10 (9) The benefits payable under this section shall be in addition to any benefits now or  
11 hereafter prescribed under any police, sheriff, firefighter's, volunteer firefighter's,  
12 emergency medical services personnel, or National Guard or Reserve retirement or  
13 benefit fund established by the federal government or by any state, county, or any  
14 municipality.

15 (10) Any funds appropriated for the purpose of paying the death benefits described in  
16 subsection (2) of this section shall be allotted to a self-insuring account. These  
17 funds shall not be used for the purpose of purchasing insurance.

18 (11) (a) For the purposes of this section, if a firefighter dies as a result of cancer, the  
19 death shall be a direct result of an act in the line of duty if the firefighter:

- 20 1. Was a firefighter for at least five (5) consecutive years;
- 21 2. Developed one (1) or more of the cancers listed in paragraph (b) of this  
22 subsection which caused the firefighter's death within ten (10) years of  
23 separation from service as a firefighter;
- 24 3. Did not use tobacco products for a period of ten (10) years prior to the  
25 diagnosis of cancer;
- 26 4. Was under the age of sixty-five (65) at the time of death;
- 27 5. Was not diagnosed with any cancer prior to employment as a firefighter;

1                   and

2                   6. Was exposed while in the course of firefighting to a known carcinogen  
3                   as defined by the International Agency for Research on Cancer or the  
4                   National Toxicology Program, and the carcinogen is reasonably  
5                   associated with one (1) or more of the cancers listed in paragraph (b) of  
6                   this subsection.

7                   (b) This section shall apply to the following cancers:

- 8                   1. Bladder cancer;
- 9                   2. Brain cancer;
- 10                  3. Colon cancer;
- 11                  4. Non-Hodgkin's lymphoma;
- 12                  5. Kidney cancer;
- 13                  6. Liver cancer;
- 14                  7. Lymphatic or haematopoietic cancer;
- 15                  8. Prostate cancer;
- 16                  9. Testicular cancer;
- 17                  10. Skin cancer;
- 18                  11. Cervical cancer; and
- 19                  12. Breast cancer.

20                  (c) 1. The provisions of this subsection creating an entitlement to the line of  
21                  duty death benefits shall apply exclusively to this section and shall not  
22                  be interpreted or otherwise construed to create either an express or  
23                  implied presumption of work-relatedness for any type of claim filed  
24                  pursuant to KRS Chapter 342.

25                  2. This paragraph is intended to provide clarification regarding the sole and  
26                  exclusive application of this subsection to only the benefits available  
27                  under this section and shall not be used as a bar or other type of

1 limitation to impair or alter the rights and ability of a claimant to prove  
2 work-relatedness under KRS Chapter 342 or other laws.

3 ➔Section 5. KRS 75.400 is amended to read as follows:

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

- 5 (1) "Commission" means the Commission on Fire Protection Personnel Standards and  
6 Education, attached to the *Division of Fire Protection Personnel Standards and*  
7 *Education within the Department of Housing, Buildings and*  
8 *Construction*~~[Kentucky Community and Technical College System].~~
- 9 (2) "Fire department" includes all of the officers, firefighters, and clerical and  
10 maintenance employees, whether paid or volunteer.
- 11 (3) "Full-time paid firefighter" means an individual who receives a minimum salary of  
12 eight thousand dollars (\$8,000) annually, and who works a minimum of two  
13 thousand and eighty (2,080) hours per year as an employee of a fire department  
14 recognized by the fire commission.
- 15 (4) "Paid fire department" means a fire department recognized by the commission, of  
16 which at least fifty percent (50%) of its firefighters are full-time paid firefighters.
- 17 (5) "Volunteer fire department" means a fire department with a minimum of twelve  
18 (12) members and a chief, at least one (1) operational fire apparatus or one (1) on  
19 order, with fewer than fifty percent (50%) of its firefighters being full-time paid  
20 firefighters.

21 ➔Section 6. KRS 75.410 is amended to read as follows:

- 22 (1) The commission shall promulgate administrative regulations in accordance with  
23 KRS Chapter 13A to create a program for recognition and annual certification of  
24 volunteer fire departments. The criteria for recognition and certification shall be  
25 consistent with the provisions of KRS 95A.262.
- 26 (2) In order to be recognized and certified, a volunteer fire department shall be  
27 organized pursuant to KRS 75.010, KRS 67.083, KRS Chapter 95, or KRS Chapter

1 273.

2 (3) Volunteer fire departments existing on July 15, 1994, which are receiving volunteer  
3 fire department aid pursuant to KRS 95A.262~~[(2)]~~ shall have until July 1, 1995, to  
4 comply with regulations promulgated pursuant to subsection (1) of this section in  
5 order for their aid to continue. Volunteer fire departments created after July 15,  
6 1994, shall comply with the criteria of these regulations in a manner consistent with  
7 the time requirements specified in KRS 95A.262~~[(2)]~~.

8 ➔Section 7. KRS 75.440 is amended to read as follows:

9 (1) Only fire departments recognized and certified by the commission shall be eligible  
10 to receive volunteer fire department aid pursuant to KRS 95A.262~~[(2)]~~, to receive  
11 low interest loans pursuant to KRS 95A.262~~[(14)]~~, or to participate in the  
12 Professional Firefighters Foundation Program, pursuant to KRS 95A.200 to  
13 95A.290.

14 (2) A fire department created pursuant to KRS Chapter 273 which has been recognized  
15 and certified by the commission shall have the following rights and responsibilities:

16 (a) Designation as the only fire department authorized to protect property within  
17 its geographic area as filed with the commission and the county clerk, but the  
18 department may seek the assistance of other departments, and may make  
19 reciprocal aid contracts pursuant to KRS 75.050;

20 (b) Authority to secure water immediately for purposes of fighting a fire from any  
21 source, public or private. Upon request, the department shall compensate the  
22 owner in a reasonable amount for water used within six (6) months of use; and

23 (c) All rights identified in the Kentucky Revised Statutes for fire departments.

24 (3) The officers and firefighters, whether paid or unpaid, of each fire department  
25 created pursuant to KRS Chapter 273 and recognized and certified by the  
26 commission shall select a chief. The appointment of the chief shall be subject to the  
27 approval of the governing board of the department. The chief shall establish a chain

1 of command within the department. The chief, or the highest person available in the  
 2 chain of command if the chief cannot be present, shall, subject to all state statutes as  
 3 applicable, have the following rights and responsibilities:

- 4 (a) Authority to order the immediate evacuation of areas endangered by fire, a  
 5 hazardous materials incident, or other impending disaster that constitutes a  
 6 threat to life or property;
- 7 (b) Authority to be in charge of all fire ground operations at the scene of a fire or  
 8 other emergency;
- 9 (c) Control of all department personnel while on duty; and
- 10 (d) Control of all equipment of the department.

11 (4) The chief of each fire department created pursuant to KRS Chapter 273 and  
 12 recognized and certified by the commission shall perform necessary actions to  
 13 maintain recognition and certification of the department by the commission.

14 ➔Section 8. KRS 95A.020 is amended to read as follows:

15 (1) There is hereby created the Commission on Fire Protection Personnel Standards and  
 16 Education, hereinafter called "commission," which shall be attached to the *Division*  
 17 *of Fire Protection Personnel Standards and Education within the Department of*  
 18 *Housing, Buildings and Construction*~~[Kentucky Community and Technical~~  
 19 ~~College System].~~*The "commissioner," for the purposes of this chapter, shall*  
 20 *mean the commissioner of the Department of Housing, Buildings and*  
 21 *Construction.*

22 (2) The commission shall be composed of *eleven (11)*~~[seventeen (17)]~~ members,  
 23 residents of the State of Kentucky, appointed by the Governor. These members  
 24 should be persons well qualified by experience or education in the field of fire  
 25 protection or related fields.

26 (3) The membership of the commission shall include:

27 (a) *One (1)*~~[Two (2)]~~ volunteer *firefighter*~~[firefighters]~~, *who is* neither~~[of which~~



- 1           is} a fire chief ~~nor~~<sup>or</sup> an assistant fire chief;
- 2           (b) Two (2)~~Three (3)~~ paid firefighters, at least one (1) of whom shall be a full-
- 3           time paid county firefighter and none of whom shall be a fire chief or assistant
- 4           fire chief;
- 5           (c) One (1) trustee of a volunteer fire department or fire district who is not a
- 6           volunteer firefighter;
- 7           (d) One (1)~~Two (2)~~ fire chief~~chiefs~~ of a paid fire department~~departments~~;
- 8           (e) One (1) licensed physician;
- 9           (f) One (1)~~Two (2)~~ fire chief~~chiefs~~ of a volunteer fire
- 10          department~~departments~~;
- 11          (g) One (1) representative of the Kentucky Industrial Response Committee;
- 12          (h) One (1) representative of the Division of Emergency Management of the
- 13          Department of Military Affairs;
- 14          (i) One (1) mayor of a Kentucky city or county judge/executive; and
- 15          (j) ~~{One (1) county judge/executive;~~
- 16          ~~{One (1) representative of Kentucky industry or business enterprise; and~~
- 17          ~~{~~One (1) representative of the general public.
- 18          The ~~chancellor for the Technical Institutions' Branch of the Kentucky Community~~
- 19          ~~and Technical College System and the~~ state fire marshal, or his or her
- 20          designee~~{their designees}~~, shall serve as an ex officio member~~{members}~~ of the
- 21          commission. The designee~~{Their designees}~~ shall have full voting rights.
- 22          Appointive members shall be appointed for a term of four (4) years. Any member
- 23          chosen by the Governor to fill a vacancy created otherwise than by expiration of
- 24          term shall be appointed for the unexpired term of the member he is chosen to
- 25          succeed.
- 26          (4) The commission shall:
- 27          (a) Meet at least six (6) times per year;

1 (b) Annually elect a chair, vice chair, and secretary in accordance with KRS  
2 95A.030; and

3 (c) Set a schedule of at least six (6) meetings for the next twelve (12) months.

4 (5) A member of the commission who misses three (3) regular meetings, without the  
5 approval of the chairman, in one (1) year shall be deemed to have resigned from the  
6 commission and his or her position shall be deemed to be vacant. As used in this  
7 subsection, a "year" begins when the first meeting is missed and ends three hundred  
8 sixty-five (365) days later or when the third meeting is missed, whichever occurs  
9 first. The Governor shall appoint a similarly qualified person to fill the vacancy  
10 within ninety (90) days of the vacancy occurring. The failure of a commission  
11 member to attend a special or emergency meeting shall not result in any penalty. A  
12 person removed under this subsection shall not be reappointed to the commission  
13 for at least ten (10) years after removal.

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

17 ~~[(7) Members of the commission appointed pursuant to this section shall first be  
18 appointed on July 15, 1980. The terms of members appointed earlier shall terminate  
19 on July 15, 1980, but the Governor may reappoint those members who qualify  
20 under the provisions of this section.]~~

21 ➔Section 9. KRS 95A.040 is amended to read as follows:

22 (1) The commission shall make full and complete studies, recommendations and  
23 reports to the Governor~~[, the Kentucky Community and Technical College System,]~~  
24 and the Legislature for the purpose of establishing:

25 (a) Minimum standards and education of fire protection personnel appointed to  
26 positions in municipal fire departments, who are to be engaged in fire  
27 protection to include fire suppression, fire prevention, arson investigation, and

- 1 other allied fields;
- 2 (b) Basic minimum courses of training for fire protection personnel;
- 3 (c) Procedure for the certification of fire protection personnel and the certification  
4 of fire protection instructors. The commission may provide financial support  
5 for certification, and this support may include the cost of training, training  
6 aids, and salaries of instructors; and
- 7 (d) Administrative regulations to require that each volunteer firefighter be able to  
8 read, write and understand the English language, is a person of sobriety and  
9 integrity, is and has been an orderly, law-abiding citizen, is a citizen of the  
10 United States, a permanent resident of the United States, or otherwise lawfully  
11 present in the United States, and has reached the age of eighteen (18).
- 12 (2) (a) The commissioner, with advice and consultation from the commission shall  
13 establish by administrative regulation for a candidate physical agility test to be  
14 administered to all candidates for professional firefighter positions. For the  
15 provisions of this section, "professional firefighter" shall include any paid  
16 firefighter who is a member of a:
- 17 1. Municipal fire department organized under KRS Chapter 95;
  - 18 2. Fire protection district organized under KRS Chapter 75;
  - 19 3. County fire department created pursuant to KRS Chapter 67;
  - 20 4. Fire department under the jurisdiction of a consolidated local government;
  - 21 5. Fire department under the jurisdiction of a charter county government;
  - 22 6. Fire department under the jurisdiction of an urban-county government;
  - 23 7. Fire department under the jurisdiction of a unified local government; or
  - 24 8. Fire department created under KRS Chapter 273.
- 25 (b) The candidate physical agility test shall establish uniform standards of the  
26 physical abilities required for all firefighter candidates. The candidate physical  
27 agility test shall be required for all firefighter candidates hired on or after

1 January 1, 2013.

- 2 (c) **The commissioner, with advice and consultation from**~~[After June 25, 2009,]~~  
3 the commission~~u~~, shall establish procedures for individual firefighter  
4 candidates to voluntarily take the candidate physical agility test. The  
5 **commissioner, with advice and consultation from the** commission shall also  
6 establish procedures for fire departments listed under paragraph (a) of this  
7 subsection to voluntarily require firefighter candidates hired by them to have  
8 successfully completed the candidate physical agility test. The **commissioner**  
9 **shall establish the** procedures **required** in this paragraph **by**  
10 **promulgating**~~[shall be established by]~~ administrative **regulations pursuant to**  
11 **KRS Chapter 13A**~~[regulation]~~.
- 12 (d) The candidate physical agility test shall be designed to assess a candidate's  
13 ability to handle the physical demands of fighting fires and shall include  
14 exercises that simulate the most common tasks involved in fire suppression.  
15 These exercises shall include but are not limited to stair climb, hose drag,  
16 equipment carry, ladder raise and extension, forcible entry, search, rescue,  
17 ceiling breach, and pull.
- 18 (e) The **commissioner, with advice and consultation from the** commission~~u~~, may  
19 establish a fee to be charged to candidates participating in the candidate  
20 physical agility test. The fee shall be no greater than an amount specified by  
21 the commission to cover the costs of implementing and administering the  
22 candidate physical agility test.
- 23 (f) The **commissioner, with advice and consultation from the** commission~~u~~, shall  
24 promulgate administrative regulations, pursuant to KRS Chapter 13A, to  
25 establish and implement the candidate physical agility test and to carry out any  
26 other responsibility assigned by this section.~~[The administrative regulations~~  
27 ~~shall be promulgated no later than October 1, 2009.]~~

- 1 (3) The commissioner, with advice and consultation from the commission shall have  
2 the authority to:
- 3 (a) Certify fire protection training and education programs as having attained the  
4 minimum required standards suggested by the commission, and provide  
5 financial support for the provision of training, training aids, and salaries of  
6 instructors in order to achieve these minimum standards;
- 7 (b) Certify instructors as having qualified as fire protection instructors under such  
8 conditions as the commission may prescribe;
- 9 (c) Direct research in the field of fire protection and accept gifts and grants for  
10 such purposes; and
- 11 (d) Recommend curricula for advanced courses and seminars in fire science  
12 training in colleges and institutions of higher education.
- 13 (4) The commissioner or his or her designee, with advice and consultation from the  
14 commission, shall have authority to receive and, to the extent required by federal  
15 law, to disburse all grants and funds from the federal government for the purpose of  
16 fire protection personnel training and education. Except as otherwise provided by  
17 law, the commissioner, or his or her designee, with advice and consultation from  
18 the commission, shall administer all state programs and all state and federally  
19 funded grant programs related to fire protection personnel training and education.
- 20 ➔Section 10. KRS 95A.070 is amended to read as follows:
- 21 (1) If a firefighter as defined in KRS 61.315 is ~~[, before, on, or after July 15, 2002,]~~  
22 permanently and totally disabled as defined in KRS 342.0011 as a direct result of  
23 activities in the line of duty, then the firefighter shall be entitled to receive a  
24 monthly payment to be paid by the State Treasurer from the general fund  
25 appropriation to the police and firefighter-life insurance category contained in  
26 miscellaneous appropriations of the state/executive branch budget of:
- 27 (a) Three hundred dollars (\$300) to help defray the costs of life insurance; and

- 1 (b) Three hundred dollars (\$300) to help defray the costs of health insurance.
- 2 (2) In order to receive the monthly payment, the firefighter must present to the
- 3 commission~~[Commission on Fire Protection Personnel Standards and Education]~~:
- 4 (a) A written statement from the fire chief of the fire department under whose
- 5 command the firefighter was at the time of injury stating the fact that the
- 6 firefighter was on active duty and on assignment with that fire department
- 7 when the injury occurred; and
- 8 (b) A written statement from at least two (2) licensed and practicing physicians
- 9 stating that the member is totally and likely to be permanently disabled as
- 10 defined in KRS 342.0011; and
- 11 (c) Proof, in a form satisfactory to the commission, that the firefighter has either
- 12 or both active life and health insurance policies.
- 13 (3) (a) If a firefighter, either through a settlement of any kind or through any other
- 14 source, has life insurance provided at no cost, then the firefighter shall not be
- 15 eligible to receive the life insurance payment described in subsection (1)(a) of
- 16 this section. If a firefighter receives partial payment of life insurance, and the
- 17 portion of the payment that the firefighter is responsible for is less than the
- 18 amount stated in subsection (1) of this section, then the firefighter shall only
- 19 receive that portion of the payment to pay for the cost of the insurance.
- 20 (b) If a firefighter, either through a settlement of any kind or through any other
- 21 source, has health insurance provided at no cost, then the firefighter shall not
- 22 be eligible to receive the health insurance payment described in subsection
- 23 (1)(b) of this section. If a firefighter receives partial payment of health
- 24 insurance, and the portion of the payment that the firefighter is responsible for
- 25 is less than the amount stated in subsection (1) of this section, then the
- 26 firefighter shall only receive that portion of the payment to pay for the cost of
- 27 the insurance.

1 (4) If the firefighter should no longer be considered permanently and totally disabled as  
2 defined in KRS 342.0011, or if either or both life and health insurance policies are  
3 terminated, then the firefighter shall within thirty (30) days of that determination  
4 notify the commission~~[Commission on Fire Protection Personnel Standards and~~  
5 ~~Education]~~, in writing, of that fact or facts. The commissioner or his or her  
6 designee~~[commission]~~ shall then terminate the appropriate subsequent payments to  
7 that firefighter. A firefighter may continue to receive payments for one (1) type of  
8 insurance as long as the firefighter is still permanently and totally disabled and the  
9 insurance policy is active. If the firefighter fails to notify the commission within  
10 thirty (30) days and receives subsequent payments under this section, the firefighter  
11 shall be responsible for repaying any payments provided to the firefighter under this  
12 section from the date that the firefighter was no longer considered permanently and  
13 totally disabled.

14 (5) The commissioner, or his or her designee, with advice and consultation from the  
15 commission~~[Commission on Fire Protection Personnel Standards and Education]~~  
16 shall promulgate administrative regulations in accordance with the provisions of  
17 KRS Chapter 13A establishing procedures and criteria applicable to the  
18 administration of this section~~[by December 31, 2002]~~.

19 (6) Any firefighter convicted of knowingly providing false information to receive the  
20 benefits in subsection (1) of this section shall be guilty of a Class D felony and shall  
21 be responsible for repaying the total amount paid to the firefighter, plus interest,  
22 under the provisions of this section within a time to be determined by the  
23 commission. The firefighter shall also no longer be eligible to receive any payments  
24 provided under this section.

25 (7) In the event sufficient funds do not exist to cover all the financial obligations of this  
26 section, then the payments shall be prorated among the participants evenly.

27 ➔Section 11. KRS 95A.210 is amended to read as follows:

1 As used in KRS 95A.200 to 95A.300, unless the context otherwise requires:

2 (1) "Commission" means the Commission on Fire Protection Personnel Standards and  
3 Education established pursuant to KRS 95A.020.

4 (2) "Commissioner" means the commissioner of the Department of Housing,  
5 Buildings and Construction.

6 ~~(3)(2)~~ "Fund" means Firefighters Foundation Program Fund.

7 ~~(4)(3)~~ "Local government" means any city, county, urban-county government,  
8 charter county government, unified local government, consolidated local  
9 government, or any combination thereof of the Commonwealth.

10 ~~(5)(4)~~ "Professional firefighter" means any member of a paid municipal fire  
11 department organized under KRS Chapter 95, 67A, or 67C, a fire protection district  
12 organized under KRS Chapter 75, or a county fire department created pursuant to  
13 KRS Chapter 67.

14 ~~(6)(5)~~ "Scheduled overtime" means work by a professional firefighter in excess of  
15 forty (40) hours per week which regularly recurs as part of an established work  
16 schedule.

17 ~~(7)(6)~~ "Unscheduled overtime" means work by a professional firefighter in excess of  
18 forty (40) hours per week which does not regularly recur as part of an established  
19 work schedule.

20 ~~(8)(7)~~ "Established work schedule" means a work schedule adopted by or required of  
21 a local government setting a recurring pattern for time on and off duty for  
22 professional firefighters employed by the local government. An established work  
23 schedule includes but is not limited to a schedule of twenty-four (24) consecutive  
24 hours on duty, followed by forty-eight (48) consecutive hours off duty.

25 ➔Section 12. KRS 95A.230 is amended to read as follows:

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



- 1 (1) Employs one (1) or more firefighters.
- 2 (2) Pays every firefighter a minimum annual salary of eight thousand dollars (\$8,000).
- 3 (3) Maintains the minimum educational requirement of a high school degree, or its  
4 equivalent as determined by the commission, for employment of firefighters on or  
5 after August 1, 1980. All firefighters employed prior to August 1, 1980, shall be  
6 deemed to have met requirements of this subsection.
- 7 (4) Requires all firefighters employed on or after July 15, 1982, to successfully  
8 complete a basic training course of four hundred (400) hours duration or a lesser  
9 duration as established by the commission pursuant to KRS 95A.240~~[(5)]~~ as  
10 mandated by the commission as to subject matter and number of hours for each  
11 subject, within one (1) year of the date of employment at a school or method  
12 certified or recognized by the commission. The training requirement may be met  
13 through training and educational programs of a local government conducting its  
14 own annual in-service training school certified or recognized by the commission  
15 which may provide a different number of hours of instruction as established in KRS  
16 95A.240.
- 17 (5) Requires all firefighters, whether originally employed before or after August 1,  
18 1980, to successfully complete in each calendar year an in-service training program  
19 appropriate to the firefighters rank and responsibility, of one hundred (100) hours  
20 duration or a lesser duration as established by the commission pursuant to KRS  
21 95A.240~~[(5)]~~ at a school certified or recognized by the commission. This  
22 requirement shall be waived for the period of time that a professional firefighter is  
23 serving on active duty in the United States Armed Forces. This waiver shall be  
24 retroactive for professional firefighters from the date of September 11, 2001.
- 25 (6) Requires compliance with all provisions of law applicable to local firefighters.
- 26 (7) Requires compliance with all rules and regulations, appropriate to the size and  
27 location of the local fire department or fire prevention district, issued by the

1 commission to facilitate the administration of the fund and further the provisions of  
2 KRS 95A.200 to 95A.300.

3 ➔Section 13. KRS 95A.240 is amended to read as follows:

4 (1) The commissioner, or his or her designee, with advice and consultation from the  
5 commission, shall administer the fund pursuant to the provisions of KRS 95A.200  
6 to 95A.300 and may issue such reasonable rules and regulations as, in his or  
7 her~~its~~ discretion, will facilitate the administration of the fund and further the  
8 purposes of KRS 95A.200 to 95A.300.

9 (2) The commissioner, with advice and consultation from the commission, shall  
10 determine which local governments are eligible to share in the fund and the  
11 commissioner may withhold or terminate payments to any local government that  
12 does not comply with the requirements of KRS 95A.200 to 95A.300 or the rules and  
13 regulations~~[issued by the commission thereunder]~~.

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

20 ~~[(4)]~~ The commission or its personnel shall not:

21 (a) Increase the amount of the four hundred (400) hour training requirement  
22 required to be completed by firefighters for basic training as set out in KRS  
23 95A.230(4), except that the commission may certify the basic training  
24 educational programs and schools of a local government conducting its own  
25 basic training courses of a different amount of hours from four hundred (400)  
26 hours that are approved by the commission in accordance with KRS 95A.040;  
27 or

1 (b) Increase the amount of the one hundred (100) hour training requirement  
2 required to be completed for annual in-service training established by KRS  
3 95A.230(5), except that the commission may certify the training and  
4 educational programs of a local government conducting its own annual in-  
5 service training school of a different amount of hours from one hundred (100)  
6 hours that is approved by the commission in accordance with KRS 95A.040.

7 ~~(4)~~~~(5)~~ The commission shall have the authority to reduce or provide an alternative  
8 procedure to the required four hundred (400) hours of basic training established in  
9 KRS 95A.230(4) as well as the required one hundred (100) hours of required in-  
10 service training also established in KRS 95A.230(5) if the reduction in hours or  
11 alternative procedure is based on a certification or equivalence-based testing  
12 process determined by the commission. The commission shall specifically establish  
13 the lower required hours or alternative procedure based on specific standards  
14 through an administrative regulation promulgated in accordance with KRS Chapter  
15 13A ~~as it is authorized to do under KRS 95A.050~~.

16 ~~(5)~~~~(6)~~ Nothing in this chapter shall be interpreted to authorize the commission or its  
17 personnel to increase the amount of the one hundred fifty (150) hour requirement  
18 required to be completed by firefighters in a volunteer fire department in order for  
19 the department to qualify for volunteer department aid under KRS 95A.262~~(2)~~.  
20 The commission shall have the authority to reduce or provide an alternative  
21 procedure to achieve the required number of hours if the reduction in hours is based  
22 on a certification or equivalence-based testing process determined by the  
23 commission. If the commission seeks to reduce the hours or provide an alternative  
24 procedure to achieve the required number of hours, it shall specifically establish the  
25 lower required hours or alternative procedure through an administrative regulation  
26 promulgated in accordance with KRS Chapter 13A ~~as it is authorized to do so~~  
27 ~~under KRS 95A.050~~.

1           ➔Section 14. KRS 95A.250 is amended to read as follows:

- 2       (1) (a) An eligible local government shall be entitled to receive an annual supplement  
3           of three thousand dollars (\$3,000) and, beginning July 1, 2018, an annual  
4           supplement of four thousand dollars (\$4,000) for each qualified professional  
5           firefighter it employs, plus an amount equal to the required employer's  
6           contribution on the supplement to the defined benefit pension plan, or to a  
7           plan qualified under Section 401(a) or Section 457 of the Internal Revenue  
8           Code of 1954 as amended.
- 9       (b) The employer's contribution to any of these plans on the supplement shall not  
10           exceed the required employer's contribution to the County Employees  
11           Retirement System pursuant to KRS Chapter 78 for the hazardous duty  
12           category. The pension contribution on the supplement shall be paid whether  
13           the professional firefighter entered the system under hazardous duty coverage  
14           or nonhazardous coverage.
- 15       (c) The local unit of government shall pay the amount received for retirement  
16           coverage to the appropriate retirement system to cover the required employer  
17           contribution on the supplement.
- 18       (d) Should the foundation program funds be insufficient to pay employer  
19           contributions to the system, then the total amount available for pension  
20           payments shall be prorated to each eligible government so that each receives  
21           the same percentage of required pension costs attributable to the supplement.
- 22       (e) 1. In addition to the payments received under paragraphs (a) and (b) of this  
23           subsection, but only if sufficient funds are available to fully reimburse  
24           each eligible local government for the employer contributions to the  
25           pension system, each local government shall receive an administrative  
26           expense reimbursement in an amount equal to seven and sixty-five one-  
27           hundredths percent (7.65%) of the total annual supplement received

1 greater than three thousand one hundred dollars (\$3,100) for each  
2 qualified professional firefighter it employs, subject to the cap  
3 established by subparagraph 3. of this paragraph.

4 2. The local government may use the moneys received under this paragraph  
5 in any manner it deems necessary to partially cover the costs of  
6 administering the payments received under paragraph (a) of this  
7 subsection.

8 3. The total amount distributed under this paragraph shall not exceed the  
9 total sum of two hundred fifty thousand dollars (\$250,000) for each  
10 fiscal year. If there are insufficient funds to provide for full  
11 reimbursement as provided in subparagraph 1. of this paragraph, then  
12 the amount shall be distributed pro rata to each eligible local  
13 government so that each receives the same percentage attributable to its  
14 total receipt of the cash salary supplement.

15 (2) (a) Each qualified professional firefighter, whose local government receives a  
16 supplement pursuant to subsection (1)(a) of this section due to employment of  
17 the firefighter, shall receive distribution of the supplement from that local  
18 government in twelve (12) equal monthly installments with his or her pay for  
19 the last pay period of each month. The monthly distribution shall be calculated  
20 by dividing the supplement amount established in subsection (1)(a) of this  
21 section by twelve (12).

22 (b) The supplement disbursed to a qualified professional firefighter pursuant to  
23 this section shall not be considered "wages" as defined by KRS  
24 337.010(1)(c)1. and shall not be included in the hourly wage rate for  
25 calculation of overtime pursuant to KRS 337.285 for scheduled overtime. The  
26 supplement shall be included in the hourly wage rates for calculation of  
27 overtime for unscheduled overtime pursuant to KRS 337.285.

- 1 (c) To determine the addition to the hourly wage rate for calculation of overtime  
2 on unscheduled overtime, the annual supplement shall be divided by two  
3 thousand eighty (2,080). The overtime rate for unscheduled overtime shall be  
4 calculated by adding the quotient, which is the amount of the annual  
5 supplement divided by two thousand eighty (2,080), to the hourly wage rate  
6 and multiplying the total by one and one-half (1.5). The enhanced overtime  
7 rate shall be paid only for unscheduled overtime. Scheduled overtime shall be  
8 paid at one and one-half (1.5) times the regular hourly wage rate, excluding  
9 the supplement.
- 10 (3) (a) The Kentucky Community and Technical College System and the  
11 Department of Housing, Buildings and Construction, Division of Fire  
12 Protection Personnel Standards and Education shall be entitled to receive  
13 annually a supplement equal to the amount determined in subsection (1) of  
14 this section for each Kentucky fire and rescue training coordinator that they  
15 employ~~employed by the Kentucky Community and Technical College~~  
16 ~~System~~ who meets the qualifications for individual firefighters required in  
17 KRS 95A.230, plus an amount equal to the required employer's contribution  
18 on the supplement to the defined benefit pension plan.
- 19 (b) The Department of Military Affairs shall be entitled to receive annually a  
20 supplement equal to the amount determined in subsection (1) of this section  
21 for each civilian firefighter employed by the Department of Military Affairs  
22 who meets the qualifications for individual firefighters required in KRS  
23 95A.230, plus an amount equal to the required employer's contribution on the  
24 supplement to the defined benefit pension plan.
- 25 (c) Each fire and rescue training coordinator employed by the Kentucky  
26 Community and Technical College System or the Department of Housing,  
27 Buildings and Construction, Division of Fire Protection Personnel

1            *Standards and Education* and each civilian firefighter employed by the  
 2            Department of Military Affairs, whose employer receives a supplement  
 3            pursuant to this subsection, shall receive distribution from that employer of  
 4            the supplement which his or her qualifications brought to the employer. The  
 5            supplement distributed shall be in addition to his or her regular salary.

6            ➔Section 15. KRS 95A.260 is amended to read as follows:

7            ~~{(1)}~~ Funds made available to local governments shall be received, held, and expended in  
 8            accordance with the provisions of KRS 95A.200 to 95A.300, any rules and regulations  
 9            issued by the commission, and the following specific restrictions:

10          ~~(1)~~~~{(a)}~~ Funds provided shall be used only as a supplemental distribution to  
 11          firefighters, and for payments to the defined benefit pension plan to which the  
 12          firefighter belongs to cover retirement costs on the supplemental distribution.

13          ~~(2)~~~~{(b)}~~ Funds provided shall be distributed only to firefighters who have complied  
 14          with subsections (3) and (4) of KRS 95A.230.

15          ~~(3)~~~~{(c)}~~ Each firefighter shall receive distribution of the state supplement which his or  
 16          her qualifications brought to the local government.

17          ~~(4)~~~~{(d)}~~ Funds shall not be used to supplement existing salaries or as a substitute for  
 18          normal salary increases periodically due to firefighters.

19          ~~{(2) This section shall not apply to funds expended pursuant to KRS 95A.240(3).}~~

20          ➔Section 16. KRS 95A.262 is amended to read as follows:

21          (1) The commission~~{Commission on Fire Protection Personnel Standards and~~  
 22          ~~Education}~~ shall, in cooperation with the Cabinet for Health and Family Services,  
 23          develop and implement a continuing program to inoculate every paid and volunteer  
 24          firefighter in Kentucky against hepatitis B. The program shall be funded from  
 25          revenues allocated to the Firefighters Foundation Program fund pursuant to KRS  
 26          136.392 and 42.190.~~{Any fire department which has inoculated its personnel during~~  
 27          ~~the period of July 1, 1991 to July 14, 1992, shall be reimbursed from these revenues~~

1       ~~for its costs incurred up to the amount allowed by the Cabinet for Health and Family~~  
2       ~~Services for hepatitis B inoculations.]~~

- 3       (2) (a) Except as provided in subsection (3) of this section, the *commissioner, or his*  
4       *or her designee, with advice and consultation from the*  
5       *commission*,~~[Commission on Fire Protection Personnel Standards and~~  
6       ~~Education]~~ shall allot on an annual basis a share of the funds accruing to and  
7       appropriated for volunteer fire department aid to volunteer fire departments in  
8       cities of all classes, fire protection districts organized pursuant to KRS  
9       Chapter 75, county districts established under authority of KRS 67.083, and  
10       volunteer fire departments created as nonprofit corporations pursuant to KRS  
11       Chapter 273.
- 12       (b) The *commissioner, or his or her designee*~~[commission]~~ shall allot eight  
13       thousand two hundred fifty dollars (\$8,250), and beginning on July 1, 2018,  
14       the *commissioner*~~[commission]~~ shall allot eleven thousand dollars (\$11,000)  
15       annually to each qualifying department.
- 16       (c) Any qualifying department which fails to participate satisfactorily in the  
17       Kentucky fire incident reporting system as described in KRS 304.13-380 shall  
18       forfeit annually five hundred dollars (\$500) of its allotment.
- 19       (d) If two (2) or more qualified volunteer fire departments, as defined in KRS  
20       95A.500 to 95A.560, merge after January 1, 2000, then the allotment shall be  
21       in accordance with the provisions of KRS 95A.500 to 95A.560.
- 22       (e) Administrative regulations for determining qualifications shall be based on the  
23       number of both paid firefighters and volunteer firemen within a volunteer fire  
24       department, the amount of equipment, housing facilities available, and any  
25       other matters or standards that will best effect the purposes of the volunteer  
26       fire department aid law. A qualifying department shall:
- 27       1.     Include at least twelve (12) firefighters;



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

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

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

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

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

1 reallocated to and for the use of the training center fund, in addition to the second  
2 fiscal year's allocation of two hundred thousand dollars (\$200,000). Prior to funding  
3 any project pursuant to this subsection, a proposed project shall be approved by the  
4 commissioner, or his or her designee, with advice and consultation from the  
5 commission,~~[Commission on Fire Protection Personnel Standards and Education]~~  
6 as provided in subsection (4) of this section and shall comply with state laws  
7 applicable to capital construction projects.

8 (4) Applications for funding low-interest loans and firefighters' training centers shall be  
9 submitted to the commission~~[Commission on Fire Protection Personnel Standards~~  
10 ~~and Education]~~ for its~~[their]~~ recommendation to the commissioner~~[, approval,~~  
11 ~~disapproval, or modification]~~. The commissioner, with advice and consultation  
12 from the ~~commission~~, shall review applications periodically, and shall, subject to  
13 funds available, determine~~[recommend]~~ which applications shall be funded and at  
14 what levels, together with any terms and conditions the commissioner~~[commission]~~  
15 deems necessary.

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

19 (6) Upon the written request of any department, the commission~~[Commission on Fire~~  
20 ~~Protection Personnel Standards and Education]~~ shall make available a certified  
21 training program in a county of which such department is located.

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

1 ~~(8)~~—]The ***commissioner or his or her designee***~~[commission]~~ shall withhold from the  
2 general distribution of funds under subsection (2) of this section an amount which it  
3 deems sufficient to reimburse volunteer fire departments for equipment lost or  
4 damaged beyond repair due to hazardous material incidents.

5 ~~(8)~~~~[(9)]~~ Moneys withheld pursuant to subsection ~~(7)~~~~[(8)]~~ of this section shall be  
6 distributed only under the following terms and conditions:

- 7 (a) A volunteer fire department has lost or damaged beyond repair items of  
8 personal protective clothing or equipment due to that equipment having been  
9 lost or damaged as a result of an incident in which a hazardous material (as  
10 defined in any state or federal statute or regulation) was the causative agent of  
11 the loss;
- 12 (b) The volunteer fire department has made application in writing to the  
13 commission for reimbursement in a manner approved by the commission and  
14 the loss and the circumstances thereof have been verified by the commission;
- 15 (c) The loss of or damage to the equipment has not been reimbursed by the person  
16 responsible for the hazardous materials incident or by any other person;
- 17 (d) The ***commissioner, with advice and consultation from the*** commission, has  
18 determined that the volunteer fire department does not have the fiscal  
19 resources to replace the equipment;
- 20 (e) The ***commissioner, with advice and consultation from the*** commission, has  
21 determined that the equipment sought to be replaced is immediately necessary  
22 to protect the lives of the volunteer firefighters of the fire department;
- 23 (f) The fire department has agreed in writing to subrogate all claims for and rights  
24 to reimbursement for the lost or damaged equipment to the Commonwealth to  
25 the extent that the Commonwealth provides reimbursement to the department;  
26 and
- 27 (g) The department has shown to the satisfaction of the ***commissioner, with***

1            advice and consultation from the commission, that it has made reasonable  
2            attempts to secure reimbursement for its losses from the person responsible  
3            for the hazardous materials incident and has been unsuccessful in the effort.

4    ~~(9)~~~~(10)~~ If a volunteer fire department has met all of the requirements of subsection  
5            ~~(8)~~~~(9)~~ of this section, the commissioner, or his or her designee~~commission~~ may  
6            authorize a reimbursement of equipment losses not exceeding ten thousand dollars  
7            (\$10,000) or the actual amount of the loss, whichever is less.

8    ~~(10)~~~~(11)~~ Moneys which have been withheld during any fiscal year which remain  
9            unexpended at the end of the fiscal year shall be distributed in the normal manner  
10           required by subsection (2) of this section during the following fiscal year.

11   ~~(11)~~~~(12)~~ No volunteer fire department may receive funding for equipment losses more  
12           than once during any fiscal year.

13   ~~(12)~~~~(13)~~ The Division of Fire Protection Personnel Standards and  
14           Education~~commission~~ shall make reasonable efforts to secure reimbursement  
15           from the responsible party for any moneys awarded to a fire department pursuant to  
16           this section.

17   ~~(13)~~~~(14)~~ There shall be allotted each year of the 1992-93 biennium one million dollars  
18           (\$1,000,000), and each year of the 1994-95, 1996-97, 1998-99, and 2000-01  
19           bienniums one million dollars (\$1,000,000) of the insurance premium surcharge  
20           proceeds accruing to the Firefighters Foundation Program fund for the purpose of  
21           creating a revolving low-interest loan fund, which shall thereafter be self-sufficient  
22           and derive its operating revenues from principal and interest payments. The  
23           commissioner, or his or her designee, with advice and consultation from the  
24           commission, and in accordance with the procedures in subsection (4) of this  
25           section, may make low-interest loans, and the interest thereon shall not exceed three  
26           percent (3%) annually or the amount needed to sustain operating expenses of the  
27           loan fund, whichever is less, to volunteer fire departments for the purposes of major

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

13 ~~(14)~~~~(15)~~ For fiscal year 2004-2005 and each fiscal year thereafter, there is allotted one  
14 million dollars (\$1,000,000) from the fund established in KRS 95A.220 to be used  
15 by the commission to conduct training-related activities.

16 ~~(15)~~~~(16)~~ If funding is available from the fund established in KRS 95A.220, the  
17 Commission on Fire Protection Personnel Standards and Education may implement  
18 the following:

- 19 (a) A program to prepare emergency service personnel for handling potential  
20 man-made and non-man-made threats. The commission shall work in  
21 conjunction with the state fire marshal and other appropriate agencies and  
22 associations to identify and make maps of gas transmission and hazardous  
23 liquids pipelines in the state;
- 24 (b) A program to provide and maintain a mobile test facility in each training  
25 region established by the Commission on Fire Protection Personnel Standards  
26 and Education with equipment to administer Comprehensive Physical  
27 Aptitude Tests (CPAT) to ascertain a firefighter's ability to perform the

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

17 ➔Section 17. KRS 95A.265 is amended to read as follows:

- 18 (1) There is hereby created a safety education fund to be administered by the  
19 commissioner, or his or her designee, with advice and consultation from the  
20 commission.~~[Commission on Fire Protection Personnel Standards and Education]~~  
21 to initiate education programs in the public schools and other agencies to reduce  
22 and prevent injuries and the loss of life. The fund shall:
- 23 (a) Provide funding for a statewide "Risk Watch" program to be implemented in  
24 the public schools;
- 25 (b) Provide funding for statewide fire safety initiatives and programs including  
26 the "Learn Not to Burn" program; and
- 27 (c) Allot grants to fire departments to provide resources for public education

1 programs.

2 (2) The commissioner, with advice and consultation from the commission shall  
3 promulgate administrative regulations to establish the criteria for providing funds to  
4 initiate injury prevention curricula and training programs throughout the state. The  
5 funding criteria shall include requirements that the recipients of funds work in  
6 cooperation with other agencies to establish the programs.

7 ➔Section 18. KRS 95A.270 is amended to read as follows:

8 The Finance and Administration Cabinet, on the certification of the commissioner, or his  
9 or her designee,~~commission~~, shall draw warrants as specified on the State Treasurer for  
10 the amount of the fund due each eligible local government~~or the Kentucky Community~~  
11 ~~and Technical College System~~. Checks shall be issued by the State Treasurer and  
12 transmitted to the commissioner, or his or her designee,~~commission~~ for distribution to  
13 the proper officials of participating local governments which have complied with the  
14 provisions of KRS 95A.200 to 95A.300. Beginning January 1, 1981, and on the first day  
15 of each month thereafter, the share of each eligible local unit shall be distributed from the  
16 fund.

17 ➔Section 19. KRS 95A.280 is amended to read as follows:

18 Each eligible local government~~, the Kentucky Community and Technical College~~  
19 ~~System,~~ and the Department of Military Affairs shall submit reports to the  
20 commissioner~~commission on fire protection~~ on June 30, September 30, December 31,  
21 and March 31 of each year containing information relative to number, rank, education,  
22 training and compensation of firefighters and fire and rescue training coordinators in their  
23 jurisdictions and the disposition made of any state or other funds received pursuant to  
24 KRS 95A.200 to 95A.300.

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

26 (1) If funds appropriated by the General Assembly and otherwise made available to the  
27 fund are insufficient to provide the amount of money required by KRS 95A.250, the

1        commissioner, or her designee,~~[commission]~~ shall make a uniform percentage  
2        reduction in the allotment of funds available.

3        (2) ~~[The provisions of subsection (1) of this section shall not apply to amounts due the~~  
4        ~~Kentucky Community and Technical College System pursuant to KRS 95A.240.~~

5        (3) ~~]~~Funds appropriated by the General Assembly and unexpended by the  
6        commissioner for the commission at the close of the fiscal year for which the funds  
7        were appropriated and otherwise made available to this fund pursuant to KRS  
8        42.190, 95A.220 and 136.392 shall not lapse as provided by KRS 45.229, but shall  
9        be carried forward into the following fiscal year~~[, and shall be used solely for the~~  
10       ~~purposes specified in KRS 95A.200 to 95A.300].~~

11       ➔Section 21. KRS 95A.410 is amended to read as follows:

12       The commissioner, with advice and consultation from the commission, shall have  
13       overall responsibility for policy, guidance, administration, implementation, and proper  
14       utilization of the thermal vision grant program. The commissioner, with advice and  
15       consultation from the commission,~~[with the advice of the advisory committee,]~~ shall  
16       make determinations relating to thermal vision grant program applications and releasing  
17       equipment to fire departments.

18       ➔Section 22. KRS 95A.440 is amended to read as follows:

19       All fire departments formed under KRS Chapter 65, 75, 95, or 273 shall be eligible to  
20       receive grants through the thermal vision grant program. These fire departments may  
21       make application for a grant to purchase thermal vision devices through the thermal  
22       vision grant program to the commission. The application shall be made on forms  
23       provided by the commission. A fire department that receives a grant through the thermal  
24       vision grant program shall not make another application to the commission for a grant for  
25       a period of two (2) years. Fire departments receiving grants for the purchase of thermal  
26       vision devices through the thermal vision grant program shall comply with all  
27       administrative regulations concerning reporting requirements~~[established by the~~



1 ~~commissioner~~. Failure to comply with these reporting requirements shall disqualify a fire  
2 department from participation in the thermal vision grant program for a period of five (5)  
3 years.

4 ➔Section 23. KRS 95A.500 is amended to read as follows:

5 If two (2) or more volunteer fire departments merge under the provisions of KRS  
6 95A.500 to 95A.560 after January 1, 2000, and each is qualified to receive the volunteer  
7 fire department aid under KRS 95A.262~~[(2)]~~ at the time of merger, then the volunteer fire  
8 department aid shall be disbursed according to the provisions of KRS 95A.500 to  
9 95A.560 as long as the resulting district remains qualified to receive the volunteer fire  
10 department aid.

11 ➔Section 24. KRS 95A.510 is amended to read as follows:

12 As used in KRS 95A.500 to 95A.560, unless the context requires otherwise:

13 (1) "Qualified fire department" means any volunteer fire department in any city of any  
14 class, fire protection districts organized pursuant to KRS Chapter 75, county  
15 districts established under authority of KRS 67.083, and volunteer fire departments  
16 created as nonprofit corporations pursuant to KRS Chapter 273 eligible to receive  
17 volunteer fire department aid under KRS 95A.262~~[(2)]~~; and

18 (2) "Qualified share" means the amount of money allocated by the commissioner, or  
19 his or her designee,~~[Commission on Fire Protection Personnel Standards and~~  
20 ~~Education]~~ for volunteer fire department aid under KRS 95A.262~~[(2)]~~, less any  
21 penalties for failure to participate satisfactorily in the Kentucky fire incident  
22 reporting system as described in KRS 304.13-380.

23 ➔Section 25. KRS 95A.520 is amended to read as follows:

24 (1) The Commission on Fire Protection Personnel Standards and Education shall pay to  
25 the merged district, for the first, second, and third years after the merger, the  
26 number of qualified shares of volunteer fire department aid allotted under KRS  
27 95A.262~~[(2)]~~ equal to the total number of qualified shares that each department

1 would have received previous to merger;

2 (2) The Commission on Fire Protection Personnel Standards and Education shall pay to  
3 the merged district, for the fourth, fifth, and sixth years after the merger, the number  
4 of qualified shares of volunteer fire department aid allotted under KRS  
5 95A.262~~[(2)]~~ equal to fifty percent (50%) of the total number of qualified shares  
6 that each department would have received previous to merger, plus one (1) yearly  
7 disbursement of four thousand dollars (\$4,000) as a merger incentive; and

8 (3) The Commission on Fire Protection Personnel Standards and Education shall pay to  
9 the merged district, for the seventh year after the merger and thereafter, one (1)  
10 qualified share of volunteer fire department aid allotted under KRS 95A.262~~[(2)]~~.

11 ➔Section 26. KRS 95A.540 is amended to read as follows:

12 If a new volunteer fire department is created from territory in an existing fire department  
13 merged under the provisions of KRS 95A.500 to 95A.560, the newly created volunteer  
14 fire district shall be able to receive one (1) share at the next regular disbursement date, if  
15 qualified. The parent fire department shall have aid allotted under KRS 95A.262~~[(2)]~~  
16 reduced by one (1) qualified share for calculations of aid, for the first, second, third,  
17 fourth, fifth, and sixth years after merger.

18 ➔Section 27. KRS 95A.560 is amended to read as follows:

19 If the resulting merged district does not remain qualified to receive the volunteer fire  
20 department aid under KRS 95A.262~~[(2)]~~, then the **commissioner, or his or her**  
21 **designee**,~~[Commission on Fire Protection Personnel Standards and Education]~~ shall  
22 suspend all payments calculated under KRS 95A.520. The merged district shall have  
23 ninety (90) days to come into compliance with the requirements for qualification. If the  
24 merged district does so, then the **commissioner, or his or her designee**,~~[commission]~~  
25 shall resume payments as calculated under KRS 95A.520. If the merged district does not  
26 come into compliance within ninety (90) days of the loss of qualification, then the  
27 **commissioner, or his or her designee**,~~[commission]~~ shall not resume payments as

1 calculated under KRS 95A.520. Should the merged district come into compliance after  
2 ninety (90) days, it shall receive only one (1) qualified share of the volunteer fire  
3 department aid under KRS 95A.262~~[(2)]~~.

4 →Section 28. KRS 227.205 is amended to read as follows:

5 The Department of Housing, Buildings and Construction is hereby created within the  
6 Public Protection Cabinet. The department shall be headed by a commissioner appointed  
7 by the Governor in accordance with KRS 12.040, and who shall report to the secretary of  
8 the Public Protection Cabinet. The office of the commissioner shall also include a deputy  
9 commissioner and an executive assistant to the commissioner, who shall be the policy  
10 making assistants to the commissioner and shall be appointed pursuant to KRS 12.050.  
11 The department shall consist of the Division of Fire Prevention, *the Division of Fire*  
12 *Protection Personnel Standards and Education*, the Division of Building Codes  
13 Enforcement, the Division of Plumbing, the Electrical Division, and the Division of  
14 Heating, Ventilation, and Air Conditioning (HVAC).

15 →Section 29. KRS 342.316 is amended to read as follows:

16 (1) (a) The employer liable for compensation for occupational disease shall be the  
17 employer in whose employment the employee was last exposed to the hazard  
18 of the occupational disease. During any period in which this section is  
19 applicable to a coal mine, an operator who acquired it or substantially all of its  
20 assets from a person who was its operator on and after January 1, 1973, shall  
21 be liable for, and secure the payment of, the benefits which would have been  
22 payable by the prior operator under this section with respect to miners  
23 previously employed in the mine if it had not been acquired by such later  
24 operator. At the same time, however, this subsection does not relieve the prior  
25 operator of any liability under this section. Also, it does not affect whatever  
26 rights the later operator might have against the prior operator.

27 (b) The time of the beginning of compensation payments shall be the date of the

1           employee's last injurious exposure to the cause of the disease, or the date of  
2           actual disability, whichever is later.

3 (2) The procedure with respect to the giving of notice and determination of claims in  
4 occupational disease cases and the compensation and medical benefits payable for  
5 disability or death due to the disease shall be the same as in cases of accidental  
6 injury or death under the general provisions of this chapter, except that notice of  
7 claim shall be given to the employer as soon as practicable after the employee first  
8 experiences a distinct manifestation of an occupational disease in the form of  
9 symptoms reasonably sufficient to apprise the employee that he or she has  
10 contracted the disease, or a diagnosis of the disease is first communicated to him or  
11 her, whichever shall first occur.

12 (3) The procedure for filing occupational disease claims shall be as follows:

13 (a) The application for resolution of claim shall set forth the complete work  
14 history of the employee with a concise description of injurious exposure to a  
15 specific occupational disease, together with the name and addresses of the  
16 employer or employers with the approximate dates of employment. The  
17 application shall also include at least one (1) written medical report supporting  
18 his or her claim. This medical report shall be made on the basis of clinical or  
19 X-ray examination performed in accordance with accepted medical standards  
20 and shall contain full and complete statements of all examinations performed  
21 and the results thereof. The report shall be made by a duly-licensed physician.  
22 The commissioner shall promulgate administrative regulations which  
23 prescribe the format of the medical report required by this section and the  
24 manner in which the report shall be completed.

25 1. For coal-related occupational pneumoconiosis claims, each clinical  
26 examination shall include a chest X-ray interpretation by a National  
27 Institute of Occupational Safety and Health (NIOSH) certified "B"

1 reader. The chest X-ray upon which the report is made shall be filed  
2 with the application as well as spirometric tests when pulmonary  
3 dysfunction is alleged.

4 2. For other compensable occupational pneumoconiosis claims, each  
5 clinical examination shall include a chest X-ray examination and  
6 appropriate pulmonary function tests.

7 (b) To be admissible, medical evidence offered in any proceeding under this  
8 chapter for determining a claim for occupational pneumoconiosis resulting  
9 from exposure to coal dust shall comply with accepted medical standards as  
10 follows:

11 1. Chest X-rays shall be of acceptable quality with respect to exposure and  
12 development and shall be indelibly labeled with the date of the X-ray  
13 and the name and Social Security number of the claimant. Physicians'  
14 reports of X-ray interpretations shall: identify the claimant by name and  
15 Social Security number; include the date of the X-ray and the date of the  
16 report; classify the X-ray interpretation using the latest ILO  
17 Classification and be accompanied by a completed copy of the latest ILO  
18 Classification report. Only interpretations by National Institute of  
19 Occupational Safety and Health (NIOSH) certified "B" readers shall be  
20 admissible.

21 2. Spirometric testing shall be conducted in accordance with the standards  
22 recommended in the "Guides to the Evaluation of Permanent  
23 Impairment" and the 1978 ATS epidemiology standardization project  
24 with the exception that the predicted normal values for lung function  
25 shall not be adjusted based upon the race of the subject. The FVC or the  
26 FEV1 values shall represent the largest of such values obtained from  
27 three (3) acceptable forced expiratory volume maneuvers as corrected to

1 BTPS (body temperature, ambient pressure and saturated with water  
2 vapor at these conditions) and the variance between the two (2) largest  
3 acceptable FVC values shall be either less than five percent (5%) of the  
4 largest FVC value or less than one hundred (100) milliliters, whichever  
5 is greater. The variance between the two (2) largest acceptable FEV1  
6 values shall be either less than five percent (5%) of the largest FEV1  
7 value or less than one hundred (100) milliliters, whichever is greater.  
8 Reports of spirometric testing shall include a description by the  
9 physician of the procedures utilized in conducting such spirometric  
10 testing and a copy of the spirometric chart and tracings from which  
11 spirometric values submitted as evidence were taken. If it is shown that  
12 the spirometric testing is not valid due to inadequate cooperation or poor  
13 effort on the part of the claimant, the claimant's right to take or prosecute  
14 any proceedings under this chapter shall be suspended until the refusal  
15 or obstruction ceases. No compensation shall be payable for the period  
16 during which the refusal or obstruction continues.

17 3. The commissioner shall promulgate administrative regulations pursuant  
18 to KRS Chapter 13A as necessary to effectuate the purposes of this  
19 section. The commissioner shall periodically review the applicability of  
20 the spirometric test values contained in the "Guides to the Evaluation of  
21 Permanent Impairment" and may by administrative regulation substitute  
22 other spirometric test values which are found to be more closely  
23 representative of the normal pulmonary function of the coal mining  
24 population.

25 4. The procedure for determination of occupational disease claims shall be  
26 as follows:

27 a. Immediately upon receipt of an application for resolution of claim,

- 1 the commissioner shall notify the responsible employer and all  
2 other interested parties and shall furnish them with a full and  
3 complete copy of the application.
- 4 b. The commissioner shall assign the claim to an administrative law  
5 judge and shall promptly refer the employee to a duly qualified "B"  
6 reader physician who is licensed in the Commonwealth and is a  
7 board-certified pulmonary specialist as set forth pursuant to KRS  
8 342.315 and 342.794(1). The report from this examination shall be  
9 provided to all parties of record. The employee shall not be  
10 referred by the commissioner for examination within two (2) years  
11 following any prior referral for examination for the same disease.
- 12 c. The commissioner shall develop a procedure to annually audit the  
13 performance of physicians and facilities that are selected to  
14 perform examinations pursuant to this section. The audit shall  
15 include an evaluation of the physician and facility with respect to  
16 the timeliness and completeness of the reports and the frequency at  
17 which the physician's classification of an X-ray differs from those  
18 of the other physicians of that X-ray. The commissioner shall  
19 remove a physician or facility from selection consideration if the  
20 physician or facility consistently renders incomplete or untimely  
21 reports or if the physician's interpretations of X-rays are not in  
22 conformity with the readings of other physicians of record at least  
23 fifty percent (50%) of the time. The report required under this  
24 subdivision shall be provided to the Interim Joint Committee on  
25 Economic Development and Workforce Investment on or before  
26 July 1, 2019, and on or before July 1 of each year thereafter.
- 27 d. In coal workers' pneumoconiosis claims, if the physician selected

1 by the commissioner interprets an X-ray as positive for  
2 complicated coal workers' pneumoconiosis, the commissioner  
3 shall refer the employee to the facility at which the claimant was  
4 previously evaluated for a computerized tomography scan in order  
5 to verify the findings. The computerized tomography scan shall be  
6 interpreted by the facility and a report shall be filed with the  
7 commissioner. The employer, insurer, or payment obligor shall pay  
8 the cost of the examination pursuant to the medical fee schedule.  
9 The administrative law judge may rely upon the findings in the  
10 report in accepting or rejecting ILO radiographic evidence of the  
11 disease required under KRS 342.732 for benefit determination.

12 e. Within forty-five (45) days following the notice of filing an  
13 application for resolution of claim, the employer or carrier shall  
14 notify the commissioner and all parties of record of its acceptance  
15 or denial of the claim. A denial shall be in writing and shall state  
16 the specific basis for the denial.

17 f. The administrative law judge shall conduct such proceedings as  
18 are necessary to resolve the claim and shall have authority to grant  
19 or deny any relief, including interlocutory relief, to order additional  
20 proof, to conduct a benefit review conference, or to take such other  
21 action as may be appropriate to resolve the claim.

22 g. Unless a voluntary settlement is reached by the parties, or the  
23 parties agree otherwise, the administrative law judge shall issue a  
24 written determination within sixty (60) days following a hearing.  
25 The written determination shall address all contested issues and  
26 shall be enforceable under KRS 342.305.

27 h. Within thirty (30) days of the receipt of the statement for the



1 evaluation, the employer, insurer, or payment obligor shall pay the  
2 cost of the examination. Upon notice from the commissioner that  
3 an evaluation has been scheduled, the employer, insurer, or  
4 payment obligor shall forward the expenses of travel necessary to  
5 attend the evaluation at the state employee reimbursement rates to  
6 the employee within seven (7) days. However, if the employee has  
7 alleged a pulmonary dysfunction but has not filed spirometric  
8 evidence as required by paragraph (a) of this subsection at the time  
9 the evaluation is scheduled by the commissioner, the employee  
10 will be responsible for fifty percent (50%) of the cost of the  
11 evaluation.

12 5. The procedure for appeal from a determination of an administrative law  
13 judge shall be as set forth in KRS 342.285.

14 (4) (a) The right to compensation under this chapter resulting from an occupational  
15 disease shall be forever barred unless a claim is filed with the commissioner  
16 within three (3) years after the last injurious exposure to the occupational  
17 hazard or after the employee first experiences a distinct manifestation of an  
18 occupational disease in the form of symptoms reasonably sufficient to apprise  
19 the employee that he or she has contracted the disease, whichever shall last  
20 occur; and if death results from the occupational disease within that period,  
21 unless a claim therefor be filed with the commissioner within three (3) years  
22 after the death; but that notice of claim shall be deemed waived in case of  
23 disability or death where the employer, or its insurance carrier, voluntarily  
24 makes payment therefor, or if the incurrence of the disease or the death of the  
25 employee and its cause was known to the employer. However, the right to  
26 compensation for any occupational disease shall be forever barred, unless a  
27 claim is filed with the commissioner within five (5) years from the last

1 injurious exposure to the occupational hazard, except that, in cases of  
2 radiation disease, asbestos-related disease, or a type of cancer specified in  
3 KRS 61.315~~[(11)(b)]~~, a claim must be filed within twenty (20) years from the  
4 last injurious exposure to the occupational hazard.

5 (b) Income benefits for the disease of pneumoconiosis resulting from exposure to  
6 coal dust or death therefrom shall not be payable unless the employee has  
7 been exposed to the hazards of such pneumoconiosis in the Commonwealth of  
8 Kentucky over a continuous period of not less than two (2) years during the  
9 ten (10) years immediately preceding the date of his or her last exposure to  
10 such hazard, or for any five (5) of the fifteen (15) years immediately preceding  
11 the date of such last exposure.

12 (5) The amount of compensation payable for disability due to occupational disease or  
13 for death from the disease, and the time and manner of its payment, shall be as  
14 provided for under the general provisions of the Workers' Compensation Act, but:

15 (a) In no event shall the payment exceed the amounts that were in effect at the  
16 time of the last injurious exposure;

17 (b) The time of the beginning of compensation payments shall be the date of the  
18 employee's last injurious exposure to the cause of the disease, or the date of  
19 actual disability, whichever is later; and

20 (c) In case of death where the employee has been awarded compensation or made  
21 timely claim within the period provided for in this section, and an employee  
22 has suffered continuous disability to the date of his or her death occurring at  
23 any time within twenty (20) years from the date of disability, his or her  
24 dependents, if any, shall be awarded compensation for his or her death as  
25 provided for under the general provisions of the Workers' Compensation Act  
26 and in this section, except as provided in KRS 342.750(6).

27 (6) If an autopsy has been performed, no testimony relative thereto shall be admitted

1 unless the employer or its representative has available findings and reports of the  
2 pathologist or doctor who performed the autopsy examination.

3 (7) No compensation shall be payable for occupational disease if the employee at the  
4 time of entering the employment of the employer by whom compensation would  
5 otherwise be payable, falsely represented himself or herself, in writing, as not  
6 having been previously disabled, laid-off, or compensated in damages or otherwise,  
7 because of the occupational disease, or failed or omitted truthfully to state to the  
8 best of his or her knowledge, in answer to written inquiry made by the employer, the  
9 place, duration, and nature of previous employment, or, to the best of his or her  
10 knowledge, the previous state of his or her health.

11 (8) No compensation for death from occupational disease shall be payable to any  
12 person whose relationship to the deceased, which under the provisions of this  
13 chapter would give right to compensation, arose subsequent to the beginning of the  
14 first compensable disability, except only for after-born children of a marriage  
15 existing at the beginning of such disability.

16 (9) Whenever any claimant misconceives his or her remedy and files an application for  
17 adjustment of claim under the general provisions of this chapter and it is  
18 subsequently discovered, at any time before the final disposition of the cause, that  
19 the claim for injury, disability, or death which was the basis for his or her  
20 application should properly have been made under the provisions of this section,  
21 then the application so filed may be amended in form or substance, or both, to assert  
22 a claim for injury, disability, or death under the provisions of this section, and it  
23 shall be deemed to have been so filed as amended on the date of the original filing  
24 thereof, and compensation may be awarded that is warranted by the whole evidence  
25 pursuant to the provisions of this chapter. When amendment of this type is  
26 submitted, further or additional evidence may be heard when deemed necessary.  
27 Nothing this section contains shall be construed to be or permit a waiver of any of

1 the provisions of this chapter with reference to notice of time for filing of a claim,  
2 but notice of filing a claim, if given or done, shall be deemed to be a notice of filing  
3 of a claim under provisions of this chapter, if given or done within the time required  
4 by this subsection.

5 (10) When an employee has an occupational disease that is covered by this chapter, the  
6 employer in whose employment he or she was last injuriously exposed to the hazard  
7 of the disease, and the employer's insurance carrier, if any, at the time of the  
8 exposure, shall alone be liable therefor, without right to contribution from any prior  
9 employer or insurance carrier, except as otherwise provided in this chapter.

10 (11) (a) For claims filed on or before June 30, 2017, income benefits for coal-related  
11 occupational pneumoconiosis shall be paid fifty percent (50%) by the  
12 Kentucky coal workers' pneumoconiosis fund as established in KRS 342.1242  
13 and fifty percent (50%) by the employer in whose employment the employee  
14 was last exposed to the hazard of that occupational disease.

15 (b) Income benefits for coal-related occupational pneumoconiosis for claims filed  
16 after June 30, 2017, shall be paid by the employer in whose employment the  
17 employee was last exposed to the hazards of coal workers' pneumoconiosis.

18 (c) Compensation for all other occupational disease shall be paid by the employer  
19 in whose employment the employee was last exposed to the hazards of the  
20 occupational disease.

21 (12) A concluded claim for benefits by reason of contraction of coal workers'  
22 pneumoconiosis in the severance or processing of coal shall bar any subsequent  
23 claim for benefits by reason of contraction of coal workers' pneumoconiosis, unless  
24 there has occurred in the interim between the conclusion of the first claim and the  
25 filing of the second claim at least two (2) years of employment wherein the  
26 employee was continuously exposed to the hazards of the disease in the  
27 Commonwealth.

1           ➔Section 30. KRE 0506 is amended to read as follows:

2       (a) Definitions. As used in this rule:

3           (1) A "counselor" includes:

4               (A) A certified school counselor who meets the requirements of the  
5               Kentucky Board of Education and who is duly appointed and regularly  
6               employed for the purpose of counseling in a public or private school of  
7               this state;

8               (B) A sexual assault counselor, who is a person engaged in a rape crisis  
9               center, as defined in KRS Chapter 421, who has undergone forty (40)  
10              hours of training and is under the control of a direct services supervisor  
11              of a rape crisis center, whose primary purpose is the rendering of advice,  
12              counseling, or assistance to victims of sexual assault;

13              (C) A certified professional art therapist who is engaged to conduct art  
14              therapy under KRS 309.130 to 309.1399;

15              (D) A licensed marriage and family therapist as defined in KRS 335.300  
16              who is engaged to conduct marriage and family therapy pursuant to KRS  
17              335.300 to 335.399;

18              (E) A licensed professional clinical counselor or a licensed professional  
19              counselor associate as defined in KRS 335.500;

20              (F) An individual who provides crisis response services as a member of the  
21              community crisis response team or local community crisis response team  
22              under Sections 31 to 34 of this Act~~[KRS 36.250 to 36.270]~~;

23              (G) A victim advocate as defined in KRS 421.570 except a victim advocate  
24              who is employed by a Commonwealth's attorney under KRS 15.760 or a  
25              county attorney pursuant to KRS 69.350; and

26              (H) A Kentucky licensed pastoral counselor as defined in KRS 335.605 who  
27              is engaged to conduct pastoral counseling under KRS 335.600 to

1                   335.699.

2           (2) A "client" is a person who consults or is interviewed or assisted by a  
3           counselor for the purpose of obtaining professional or crisis response services  
4           from the counselor.

5           (3) A communication is "confidential" if it is not intended to be disclosed to third  
6           persons, except persons present to further the interest of the client in the  
7           consultation or interview, persons reasonably necessary for the transmission of  
8           the communication, or persons present during the communication at the  
9           direction of the counselor, including members of the client's family.

10       (b) General rule of privilege. A client has a privilege to refuse to disclose and to  
11       prevent any other person from disclosing confidential communications made for the  
12       purpose of counseling the client, between himself, his counselor, and persons  
13       present at the direction of the counselor, including members of the client's family.

14       (c) Who may claim the privilege. The privilege may be claimed by the client, his  
15       guardian or conservator, or the personal representative of a deceased client. The  
16       person who was the counselor (or that person's employer) may claim the privilege in  
17       the absence of the client, but only on behalf of the client.

18       (d) Exceptions. There is no privilege under this rule for any relevant communication:

19           (1) If the client is asserting his physical, mental, or emotional condition as an  
20           element of a claim or defense; or, after the client's death, in any proceeding in  
21           which any party relies upon the condition as an element of a claim or defense.

22           (2) If the judge finds:

23               (A) That the substance of the communication is relevant to an essential issue  
24               in the case;

25               (B) That there are no available alternate means to obtain the substantial  
26               equivalent of the communication; and

27               (C) That the need for the information outweighs the interest protected by the

1 privilege. The court may receive evidence in camera to make findings  
2 under this rule.

3 ➔SECTION 31. KRS 36.250 IS REPEALED AND REENACTED AS A NEW  
4 SECTION OF KRS CHAPTER 95A TO READ AS FOLLOWS:

5 *As used in Sections 31 to 34 of this Act:*

6 *(1) "Board" means the Kentucky Community Crisis Response Board;*

7 *(2) "Community crisis response team" means the statewide membership of trained*  
8 *volunteers that provide crisis response services under the direction of the board;*

9 *(3) "Crisis response services" means consultation, risk assessment, referral, and on-*  
10 *site crisis intervention services to persons impacted by crisis or disaster, but shall*  
11 *not be construed to include any services performed or intended to be performed*  
12 *by any other agency of the Commonwealth, any of its subdivisions, or any private*  
13 *party under KRS Chapters 39 or 224;*

14 *(4) "Debriefing session" means the crisis response services rendered during or after*  
15 *a crisis or disaster; and*

16 *(5) "Local community crisis response team" means a team formed to provide crisis*  
17 *response services in a county, district, or region and which operates in*  
18 *accordance with protocols and procedures established by the board.*

19 ➔SECTION 32. KRS 36.255 IS REPEALED AND REENACTED AS A NEW  
20 SECTION OF KRS CHAPTER 95A TO READ AS FOLLOWS:

21 *(1) The Kentucky Community Crisis Response Board is hereby created as a separate*  
22 *administrative body of state government within the meaning of KRS Chapter 12*  
23 *and attached for administrative purposes to the Department of Housing,*  
24 *Buildings and Construction.*

25 *(2) The membership of the board shall consist of the following:*

26 *(a) The commissioner of the Department of Behavioral Health, Developmental*  
27 *and Intellectual Disabilities, or the commissioner's designee;*

- 1        (b) The commissioner of the Department of Public Health, or the  
2            commissioner's designee;
- 3        (c) The commissioner of the Department of Education, or the commissioner's  
4            designee;
- 5        (d) The commissioner of the Department of Kentucky State Police, or the  
6            commissioner's designee;
- 7        (e) The Kentucky state fire marshal, or the fire marshal's designee;
- 8        (f) The executive director of the Division of Emergency Management, or the  
9            executive director's designee;
- 10       (g) The Attorney General, or the Attorney General's designee;
- 11       (h) One (1) representative of local community crisis response teams appointed  
12           by the Governor;
- 13       (i) Four (4) members appointed by the Governor to represent mental health  
14           disciplines;
- 15       (j) Two (2) members appointed by the Governor to represent emergency  
16           services disciplines;
- 17       (k) One (1) member who is a mental health professional licensed for  
18           independent clinical practice, to be appointed by the Governor. The licensed  
19           mental health professional member shall serve as clinical director for the  
20           board;
- 21       (l) One (1) member, appointed by the Governor, from a statewide chaplain's  
22           association involved in emergency services, who is trained in grief  
23           counseling and has experience in crisis response;
- 24       (m) One (1) member from the Kentucky Chapter of the American Red Cross;  
25           and
- 26       (n) The commissioner of the Department for Community Based Services or the  
27           commissioner's designee.



- 1 (3) All board members appointed pursuant to subsection (2)(h) to (l) of this section  
2 shall be approved members of the existing community crisis response team.
- 3 (4) All board members appointed pursuant to subsection (2)(h) to (l) of this section  
4 shall have demonstrated a commitment to the provision of community crisis  
5 response services.
- 6 (5) The members of the board appointed by the Governor shall serve for two (2) years  
7 and may be reappointed for one (1) additional consecutive two (2) year term. All  
8 vacancies in appointed members' teams shall be filled by appointment of the  
9 Governor for the remainder of the unexpired term.
- 10 (6) The board shall elect annually from its membership a chairperson and shall  
11 establish other officers and committees as needed to execute the duties of the  
12 board.
- 13 (7) The board shall meet at least quarterly, and a majority of the members shall  
14 constitute a quorum for the transaction of the board's business.
- 15 (8) Except for hired and appointed staff, no board member or team member shall  
16 receive compensation. However, board members and crisis response team  
17 members may receive reimbursement for expenses incurred in the course of  
18 providing crisis response services or executing the duties of the board, consistent  
19 with state policy governing the reimbursement of state employees for food, travel,  
20 and lodging. Except as provided for in Section 33 of this Act, nothing in the  
21 provisions of Section 31 to Section 34 of this Act shall be construed to create  
22 liability of a private party for expenses incurred or reimbursed under this  
23 subsection.

24 ➔SECTION 33. KRS 36.260 IS REPEALED AND REENACTED AS A NEW  
25 SECTION OF KRS CHAPTER 95A TO READ AS FOLLOWS:

26 **The board shall:**

- 27 (1) Establish and maintain necessary offices, appoint an executive director, and

- 1           hire other employees as necessary and prescribe their duties and  
 2           compensation;  
 3           (2) Recruit and train volunteer members who shall comprise the community  
 4           crisis response team;  
 5           (3) Maintain a team of volunteer members to provide crisis response services  
 6           statewide;  
 7           (4) Provide technical assistance for the development of local community crisis  
 8           response teams;  
 9           (5) Promulgate administrative regulations pursuant to KRS Chapter 13A  
 10           relating to the operation of crisis response services;  
 11           (6) Provide training programs on the operation of the crisis response teams and  
 12           the provision of crisis response services;  
 13           (7) Develop agreements with agencies in both the public and private sectors;  
 14           (8) Promulgate administrative regulations pursuant to KRS Chapter 13A as  
 15           necessary to execute the duties of the board;  
 16           (9) Make recommendations to the Governor and to the General Assembly  
 17           related to the planning and provision of crisis response services; and  
 18           (10) Receive funding from any source and apply for public and private grants as  
 19           it deems necessary.

20           ➔SECTION 34. KRS 36.270 IS REPEALED AND REENACTED AS A NEW  
 21 SECTION OF KRS CHAPTER 95A TO READ AS FOLLOWS:

22           Whenever the employees of the Commonwealth of Kentucky or any county, urban-  
 23           county, charter county, or city government, are rendering outside aid pursuant to the  
 24           authority contained in Sections 31 to 34 of this Act, those employees shall have the  
 25           same powers, duties, rights, privileges, and immunities as if they were performing their  
 26           duties in the jurisdiction in which they are normally employed.

27           ➔Section 35. KRS 337.010 is amended to read as follows:

- 1 (1) As used in this chapter, unless the context requires otherwise:
- 2 (a) "Commissioner" means the commissioner of the Department of Workplace  
3 Standards under the direction and supervision of the secretary of the Labor  
4 Cabinet;
- 5 (b) "Department" means the Department of Workplace Standards in the Labor  
6 Cabinet;
- 7 (c) 1. "Wages" includes any compensation due to an employee by reason of his  
8 or her employment, including salaries, commissions, vested vacation  
9 pay, overtime pay, severance or dismissal pay, earned bonuses, and any  
10 other similar advantages agreed upon by the employer and the employee  
11 or provided to employees as an established policy. The wages shall be  
12 payable in legal tender of the United States, checks on banks, direct  
13 deposits, or payroll card accounts convertible into cash on demand at  
14 full face value, subject to the allowances made in this chapter. However,  
15 an employee may not be charged an activation fee and the payroll card  
16 account shall provide the employee with the ability, without charge, to  
17 make at least one (1) withdrawal per pay period for any amount up to  
18 and including the full account balance.
- 19 2. For the purposes of calculating hourly wage rates for scheduled overtime  
20 for professional firefighters, as defined in KRS 95A.210~~[(5)]~~, "wages"  
21 shall not include the distribution to qualified professional firefighters by  
22 local governments of supplements received from the Firefighters  
23 Foundation Program Fund. For the purposes of calculating hourly wage  
24 rates for unscheduled overtime for professional firefighters, as defined in  
25 KRS 95A.210~~[(6)]~~, "wages" shall include the distribution to qualified  
26 professional firefighters by local governments of supplements received  
27 from the Firefighters Foundation Program Fund;

1 (d) "Employer" is any person, either individual, corporation, partnership, agency,  
2 or firm who employs an employee and includes any person, either individual,  
3 corporation, partnership, agency, or firm acting directly or indirectly in the  
4 interest of an employer in relation to an employee; and

5 (e) "Employee" is any person employed by or suffered or permitted to work for an  
6 employer, except that:

7 1. Notwithstanding any voluntary agreement entered into between the  
8 United States Department of Labor and a franchisee, neither a franchisee  
9 nor a franchisee's employee shall be deemed to be an employee of the  
10 franchisor for any purpose under this chapter; and

11 2. Notwithstanding any voluntary agreement entered into between the  
12 United States Department of Labor and a franchisor, neither a franchisor  
13 nor a franchisor's employee shall be deemed to be an employee of the  
14 franchisee for any purpose under this chapter.

15 For purposes of this paragraph, "franchisee" and "franchisor" have the same  
16 meanings as in 16 C.F.R. sec. 436.1.

17 (2) As used in KRS 337.275 to 337.325, 337.345, and 337.385 to 337.405, unless the  
18 context requires otherwise:

19 (a) "Employee" is any person employed by or suffered or permitted to work for an  
20 employer, but shall not include:

21 1. Any individual employed in agriculture;

22 2. Any individual employed in a bona fide executive, administrative,  
23 supervisory, or professional capacity, or in the capacity of outside  
24 salesman, or as an outside collector as the terms are defined by  
25 administrative regulations of the commissioner;

26 3. Any individual employed by the United States;

27 4. Any individual employed in domestic service in or about a private home.

- 1           The provisions of this section shall include individuals employed in  
2           domestic service in or about the home of an employer where there is  
3           more than one (1) domestic servant regularly employed;
- 4           5. Any individual classified and given a certificate by the commissioner  
5           showing a status of learner, apprentice, worker with a disability,  
6           sheltered workshop employee, and student under administrative  
7           procedures and administrative regulations prescribed and promulgated  
8           by the commissioner. This certificate shall authorize employment at the  
9           wages, less than the established fixed minimum fair wage rates, and for  
10          the period of time fixed by the commissioner and stated in the certificate  
11          issued to the person;
- 12          6. Employees of retail stores, service industries, hotels, motels, and  
13          restaurant operations whose average annual gross volume of sales made  
14          for business done is less than ninety-five thousand dollars (\$95,000) for  
15          the five (5) preceding years exclusive of excise taxes at the retail level or  
16          if the employee is the parent, spouse, child, or other member of his or  
17          her employer's immediate family;
- 18          7. Any individual employed as a baby-sitter in an employer's home, or an  
19          individual employed as a companion by a sick, convalescing, or elderly  
20          person or by the person's immediate family, to care for that sick,  
21          convalescing, or elderly person and whose principal duties do not  
22          include housekeeping;
- 23          8. Any individual engaged in the delivery of newspapers to the consumer;
- 24          9. Any individual subject to the provisions of KRS Chapters 7, 16, 27A,  
25          30A, and 18A provided that the secretary of the Personnel Cabinet shall  
26          have the authority to prescribe by administrative regulation those  
27          emergency employees, or others, who shall receive overtime pay rates

1                   necessary for the efficient operation of government and the protection of  
2                   affected employees;

3                   10. Any employee employed by an establishment which is an organized  
4                   nonprofit camp, religious, or nonprofit educational conference center, if  
5                   it does not operate for more than two hundred ten (210) days in any  
6                   calendar year;

7                   11. Any employee whose function is to provide twenty-four (24) hour  
8                   residential care on the employer's premises in a parental role to children  
9                   who are primarily dependent, neglected, and abused and who are in the  
10                  care of private, nonprofit childcaring facilities licensed by the Cabinet  
11                  for Health and Family Services under KRS 199.640 to 199.670; or

12                 12. Any individual whose function is to provide twenty-four (24) hour  
13                 residential care in his or her own home as a family caregiver and who is  
14                 approved to provide family caregiver services to an adult with a  
15                 disability through a contractual relationship with a community board for  
16                 mental health or individuals with an intellectual disability established  
17                 under KRS 210.370 to 210.460, or is certified or licensed by the Cabinet  
18                 for Health and Family Services to provide adult foster care;

19                 (b) "Agriculture" means farming in all its branches, including cultivation and  
20                 tillage of the soil; dairying; production, cultivation, growing, and harvesting of  
21                 any agricultural or horticultural commodity; raising of livestock, bees,  
22                 furbearing animals, or poultry; and any practice, including any forestry or  
23                 lumbering operations, performed on a farm in conjunction with farming  
24                 operations, including preparation and delivery of produce to storage, to  
25                 market, or to carriers for transportation to market;

26                 (c) "Gratuity" means voluntary monetary contribution received by an employee  
27                 from a guest, patron, or customer for services rendered;

1 (d) "Tipped employee" means any employee engaged in an occupation in which  
2 he or she customarily and regularly receives more than thirty dollars (\$30) per  
3 month in tips; and

4 (e) "U.S.C." means the United States Code.

5 ➔Section 36. KRS 337.285 is amended to read as follows:

6 (1) No employer shall employ any of his employees for a work week longer than forty  
7 (40) hours, unless such employee receives compensation for his employment in  
8 excess of forty (40) hours in a work week at a rate of not less than one and one-half  
9 (1-1/2) times the hourly wage rate at which he is employed.

10 (2) This provision shall not apply to the following:

11 (a) Employees of retail stores engaged in work connected with selling,  
12 purchasing, and distributing merchandise, wares, goods, articles, or  
13 commodities;

14 (b) Employees of restaurant, hotel, and motel operations;

15 (c) Employees as defined and exempted from the overtime provision of the Fair  
16 Labor Standards Act in Sections 213(b)(1), 213(b)(6), 213(b)(10), and  
17 213(b)(17) of Title 29, U.S.C.;

18 (d) Employees whose function is to provide twenty-four (24) hour residential care  
19 on the employer's premises in a parental role to children who are primarily  
20 dependent, neglected, and abused and who are in the care of private nonprofit  
21 childcaring facilities licensed by the Cabinet for Health and Family Services  
22 under KRS 199.640 to 199.670; or

23 (e) Any individual who is employed by a third-party employer or agency other  
24 than the family or household using his or her services to provide in-home  
25 companionship services for a sick, convalescing, or elderly person.

26 (3) As used in subsection (2) of this section, "companionship services" means those  
27 services which provide in-home fellowship, care, and protection for a person who,

1 because of advanced age or physical or mental infirmity, cannot care for his or her  
2 own needs. These services may include household work related to the care of the  
3 aged or infirm person such as meal preparation, bed making, washing of clothes,  
4 and other similar services. They may also include the performance of general  
5 household work, provided that the household work is incidental, i.e., does not  
6 exceed twenty percent (20%) of the total weekly hours worked. The term  
7 "companionship services" does not include services relating to the care and  
8 protection of the aged or infirm which require and are performed by trained  
9 personnel, such as a registered or practical nurse.

10 (4) Notwithstanding the provisions of subsection (1) of this section or any other chapter  
11 of the KRS to the contrary, upon written request by a county or city employee or a  
12 Trooper R Class or CVE R Class, made freely and without coercion, pressure, or  
13 suggestion by the employer, and upon a written agreement reached between the  
14 employer and the county or city employee or the Trooper R Class or CVE R Class  
15 before the performance of the work, a county or city employee or a Trooper R Class  
16 or CVE R Class who is authorized to work one (1) or more hours in excess of the  
17 prescribed hours per week may be granted compensatory leave on an hour-for-hour  
18 basis. Upon the written request by a county or city employee or a Trooper R Class  
19 or CVE R Class, made freely and without coercion, pressure, or suggestion by the  
20 employer, and upon a written agreement reached between the employer and the  
21 county or city employee or the Trooper R Class or CVE R Class, before the  
22 performance of the work, a county or city employee or a Trooper R Class or CVE R  
23 Class who is not exempt from the provisions of the Federal Fair Labor Standards  
24 Act of 1938, as amended, 29 U.S.C. secs. 201 et seq., may be granted compensatory  
25 time in lieu of overtime pay, at the rate of not less than one and one-half (1-1/2)  
26 hours for each hour the county or city employee or the Trooper R Class or CVE R  
27 Class is authorized to work in excess of forty (40) hours in a work week.



- 1 (5) (a) Upon the request of the county or city employee or the Trooper R Class or  
2 CVE R Class, and as provided in subsection (4) of this section, compensatory  
3 time shall be awarded as follows:
- 4 1. A county or city employee who provided work in excess of forty (40)  
5 hours in a public safety activity, an emergency response activity, or a  
6 seasonal activity as described in 29 C.F.R. sec. 553.24, may accrue not  
7 more than four hundred eighty (480) hours of compensatory time; or
  - 8 2. A county or city employee or a Trooper R Class or CVE R Class  
9 engaged in other work in excess of forty (40) hours, may accrue not  
10 more than two hundred forty (240) hours of compensatory time.
- 11 (b) A county or city employee or a Trooper R Class or CVE R Class who has  
12 accrued four hundred eighty (480) hours of compensatory time off pursuant to  
13 paragraph (a)1. of this subsection, or two hundred forty (240) hours of  
14 compensatory time off pursuant to paragraph (a)2. of this subsection, shall for  
15 additional overtime hours of work, be paid overtime compensation.
- 16 (6) A county or city employee or a Trooper R Class or CVE R Class who has accrued  
17 compensatory time off as provided in subsection (4) of this section, and who  
18 requested the use of compensatory time, shall be permitted by the employer to use  
19 the compensatory time within a reasonable period after making the request if the use  
20 of the compensatory time does not unduly disrupt the operations of the employer.  
21 Mere inconvenience to the employer shall not constitute a sufficient basis for denial  
22 of a county or city employee's request or a Trooper R Class or CVE R Class request  
23 for compensatory time off.
- 24 (7) If compensation is paid to a county or city employee or a Trooper R Class or CVE R  
25 Class for accrued compensatory time off, the compensation shall be paid at the  
26 regular rate earned by the county or city employee or the Trooper R Class or CVE R  
27 Class at the time the county or city employee or the Trooper R Class or CVE R

1 Class receives the payment.

2 (8) Upon a county or city employee's termination of employment or the termination of  
3 employment of a Trooper R Class or CVE R Class, all unused accrued  
4 compensatory time shall be paid at a rate of compensation not less than:

5 (a) The average regular rate received by the county or city employee or the  
6 Trooper R Class or CVE R Class during the last three (3) years of the  
7 employment of the county or city employee or Trooper R Class or CVE R  
8 Class; or

9 (b) The final regular rate received by the county or city employee or Trooper R  
10 Class or CVE R Class, whichever is higher.

11 (9) Compensatory time shall not be used as a means to avoid statutory overtime  
12 compensation. A county or city employee or a Trooper R Class or CVE R Class  
13 shall have the right to use compensatory time earned and shall not be coerced to  
14 accept more compensatory time than an employer can realistically and in good faith  
15 expect to be able to grant within a reasonable period upon the county or city  
16 employee or the Trooper R Class or CVE R Class making the request for  
17 compensatory time off.

18 (10) Nothing in subsections (4) to (9) of this section shall be construed to supersede any  
19 collective bargaining agreement, memorandum of understanding, or any other  
20 agreement between the employer and representative of the county or city employees  
21 or the Trooper R Class or CVE R Class.

22 (11) As used in subsections (4) to (9) of this section:

23 (a) "County or city employee" means an employee of any county, city, charter  
24 county, consolidated local government, unified local government, or urban-  
25 county government, including an employee of a county or city elected official;

26 (b) "CVE R Class" has the same meaning as in KRS 16.010; and

27 (c) "Trooper R Class" has the same meaning as in KRS 16.010.

- 1 (12) In addition to the designation of a work week under subsection (1) of this section,  
2 local governments, as defined in KRS 95A.210~~[(3)]~~, may designate a work period  
3 for professional firefighter employees as defined in KRS 95A.210. The designated  
4 work period shall be not less than one (1) work week of seven (7) consecutive days  
5 and not more than four (4) work weeks of twenty-eight (28) consecutive days for  
6 purposes of complying with the requirements of the Federal Labor Standards Act of  
7 1938, as amended, 29 U.S.C. secs. 201 et seq. This subsection shall not exempt  
8 local governments from complying with the overtime requirements set forth in  
9 subsection (1) of this section and is intended to:
- 10 (a) Clarify the option to designate both a work week for compliance with  
11 Kentucky law and a work period for compliance with the Fair Labor Standards  
12 Act of 1938, as amended, 29 U.S.C. secs. 201 et seq.; and
- 13 (b) Allow for the application of the partial exemption set forth in 29 U.S.C. sec.  
14 207(k) in determining overtime pay under the Fair Labor Standards Act of  
15 1938, as amended, 29 U.S.C. secs. 201 et seq., only.
- 16 (13) (a) A law enforcement department of a consolidated local government organized  
17 under KRS Chapter 67C shall not be deemed to have violated subsection (1)  
18 of this section with respect to the employment of a peace officer if:
- 19 1. The officer works eighty (80) hours or less in a work period of fourteen  
20 (14) consecutive days; and
- 21 2. The law enforcement department and a representative of a collective  
22 bargaining unit certified under KRS 67C.408 that includes the officer  
23 agree to the exception.
- 24 (b) It is the intent of this subsection to allow the employment of a peace officer  
25 for longer than forty (40) hours in any seven (7) consecutive days within a  
26 fourteen (14) day work period without incurring the obligation to pay a rate of  
27 not less than one and one-half (1-1/2) times the officer's hourly wage under

1 subsection (1) of this section.

2 ➔Section 37. The following KRS sections are repealed:

3 95A.050 Meetings -- Contract powers -- Administrative regulations.

4 95A.060 Responsibility of Kentucky Community and Technical College System for  
5 education programs approved by the commission -- Commission to ratify certain  
6 personnel decisions -- Procedure for budget administration.

7 36.265 Attorney General to represent board members in civil proceedings.