

**GOVERNOR'S COMMISSION
ON FIRE PROTECTION,
PERSONNEL, STANDARDS,
AND EDUCATION
HANDBOOK**

FEBRUARY 2014



**300 North Main Street
Versailles, Kentucky 40383**

1-800-782-6823

INDEX

Introduction and History	3
Section 1: Administration	6
Section 2: Establishing a Fire Department	9
Section 3: Recognition and Certification	11
Section 4: State Aid	13
Section 5: Incentive Pay	15
Section 6: Benefits	17
Section 7: Instructors	20
Section 8: Low Interest Loans	22
Section 9: Training Facility Grants	24
Section 10: Training and Training Records	26
Section 11: Hepatitis B	28
Section 12: Kentucky Fire Incident Reporting	<u>30</u>
Section 13: Jr. Firefighter	32
Section 14: KRS & KAR Reference Documents	45
KRS 61	48
KRS 65	58
KRS 67	61
KRS 75	66
KRS 95	107
KRS 95A	109
KRS 164	153
KRS 273	158
KRS 304	162
KAR 739	164

**FIRE COMMISSION
INTRODUCTION
AND
HISTORY**

Governor's Commission on Fire Protection Personnel Standards and Education

Fire Commission Handbook

Introduction

I. Introduction

This Handbook is intended to serve as a reference document for fire service organizations throughout the Commonwealth. This is a *“living document”* and some of the information will remain fluid and may not be current at all times. Therefore, it is imperative you refer to up-to-date information when referencing Kentucky Revised Statutes (KRS's) and/or Kentucky Administrative Regulations (KAR's).

This Handbook will also provide guidance for many areas, some of which will include: administration, certification and training, starting a fire department, tax rates, discipline, boards and commissions, etc.

II. Fire Commission History:

The Governor's Commission on Fire Protection Personnel Standards and Education (Commission) originated in 1970 with the passage of House Bill 64. However, the organization was not funded for several years. Fire Chief Earl McDaniels from the Lexington Fire Department was the first person to serve as president of the young organization. The first Commission members were represented by Fire Chiefs from second class cities within the Commonwealth.

The Commission was partially funded in 1980 ten years after its beginning. The organization was placed in the Housing, Building, and Construction Department under the direct supervision of the State Fire Marshall. Jim Klosterman was assigned as a staff person to assist with the Commission operations.

The Commission was fully funded in 1982 following the passage of House Bill 525, which eventually became Kentucky Revised Statute (KRS) 95A as we know it today. Mr. Wayne Jordan served as the first administrator after funding was provided from revenues received from the insurance surcharge tax placed on domestic and foreign insurance policies written in Kentucky.

The Commission Administrator and/or Executive Director is responsible for the coordination and delivery of the overall mission activities. Commission Administrators and /or Executive Directors have included the following:

- Wayne Jordan
- Jack Flowers
- Robert Burch
- Larry Collier
- Walter Lage
- Ronnie Day

The Commission Chairperson has several responsibilities that include: chairing routine business meetings, organizing and assigning committees and committee members, representing the Commission at various meeting and functions within and outside the

Commonwealth, as well as answering to the state legislature when required. Commission chairpersons have included:

- Earl McDaniels
- Gerald Stewart
- Larry Collier
- Bruce Roberts
- James Riddle
- Greg Lowe

The Commission is currently comprised of 17-members appointed by the Governor and 2 additional ex officio members. The 19-member Commission represents various professional interests in a diverse cross section of the Commonwealth.

A current list of Fire Commission members may be located on the Fire Commission web-site at <http://kyfirecommission.kctcs.edu/>

III. Fire Commission Mission:

The Kentucky Fire Commission is committed to enhancing safety and education within the fire service for the citizens and industries within the Commonwealth through standardized special and technical education, training, communication, coordination and the distribution of funds to the agencies throughout the Commonwealth of Kentucky.

IV. State Fire Rescue Training Mission:

The mission of Fire Rescue Training is to plan, direct, and administer a quality, comprehensive and uniformly delivered training program through the most efficient use of available resources to assist in meeting the training needs of fire, rescue and other emergency services personnel so that lives and property may be saved more safely and effectively. In addition, to provide health and safety training programs for industries, institutions, government agencies and other such entities to assist in meeting their training needs mandated by federal, state and local laws.

V. Handbook Purpose:

The Fire Commission Handbook has been developed and organized to assist those in the Fire Service throughout the Commonwealth. This living document will serve as a reference handbook providing specific information or instruction about fire service activities as defined in Kentucky Revised Statute (KRS) and/or Kentucky Administrative Regulations (KAR).

You will find that each section has an introduction to the information that can be found in the following pages.

SECTION 1

ADMINISTRATION

**Governor's Commission on Fire Protection Personnel
Standards and Education
Fire Commission Handbook**

Section 1
Administration

I. Purpose:

This section of the Handbook will provide a listing of the many areas that effect overall operations governing the administration activities conducted by the Commission.

II. KRS and KAR References:

- KRS 95A
- KRS 75
- KRS 67
- KAR Title 739

III. Areas of Interest:

- Current forms may be located on the Fire Commission web-site at <http://kyfirecommission.kctcs.edu/> ... anyone needing assistance contact the Commission Office at 1-800-782-6823.
- Appointment of Special Firefighter (KRS 75)
- Appointment of Fire Chief (KRS 75)
- Audits and Financial Reports (KRS 75)
- Candidate Physical Ability Test (CPAT) (KRS 95A)
- Commission Members (KRS 95A)
- Commission Powers (KRS 95A)
- Commission Meetings (KRS 95A)
- Contracts, Compensation, Damages, Fire Hydrants (KRS 75)
- Definitions (KRS 95A)
- Disciplinary Actions (KRS 75)
- District Board Meetings and Minutes (KRS 75)

- District Trustees, Elections, and Compensation (KRS 75)
- Educational Incentives (KAR Title 739)
- Fire Chief Duties and Powers (KRS 75)
- Fire District and Annexation (KRS 95)
- Fire Department and Emergency Ambulance Service (KRS 75)
- Fire Department Loan Fund (KRS 95A)
- Fire Instructor Certification (KAR Title 739)
- Firefighter's Foundation Fund (KRS 75)
- Firefighter Identification Card (KRS 95A)
- Hepatitis B Vaccinations (shots) (KRS 95A)
- Low Interest Loans (KRS 95A)
- Merging Fire Departments (KRS 75)
- Mission Statements (KRS 75)
- Oaths and Bonds (KRS 75)
- Pension Contributions (KRS95A)
- Political Activities (KRS 75)
- State Aid (KAR Title 739)
- Survivor Benefits (KAR Title 739)
- Training Facility Grants (KAR Title 739)
- Thermal Vision Grant Program (KRS 95A)

SECTION 2

ESTABLISHING A

FIRE DEPARTMENT

**Governor's Commission on Fire Protection Personnel
Standards and Education
Fire Commission Handbook**

Section 2
Establishing a Fire Department

I. Purpose:

Anyone wanting to establish a fire department must contact the Fire Commission Office prior to beginning a new department at **1-800-782-6823** or our web-site at <http://kyfirecommission.kctcs.edu/>

SECTION 3

**RECOGNITION AND
CERTIFICATION**

**Governor's Commission on Fire Protection Personnel
Standards and Education
Fire Commission Handbook**

**Section 3
Recognition and Certification**

I. Purpose:

This section of the Handbook will provide overall guidance for those needing assistance with the Recognition and Certification Process.

II. KRS and KAR References:

- KRS 75
- KRS 95A
- KAR Title 739

III. Areas of Interest:

- Current forms may be located on the Fire Commission web-site at <http://kyfirecommission.kctcs.edu/> ... anyone needing assistance contact the Commission Office at 1-800-782-6823.
- A qualifying department shall include at least (12) firefighters, a chief, and at least (1) operational fire apparatus or (1) on order
- Any department eligible for and receiving state aid shall have a minimum of fifty percent (50%) of its personnel certified as recognized by the Fire Commission
- Firefighter certification hours include:
 - Volunteer – 150 Hours
 - Paid – 400 Hours
- Firefighter Certificate:
 - Industrial – 150 Hours
(Certificates Only ... Not Regulated by Fire Commission)

SECTION 4

STATE AID

**Governor's Commission on Fire Protection Personnel
Standards and Education
Fire Commission Handbook**

Section 4
State Aid

I. Purpose:

This section of the Handbook will provide overall guidance for those needing assistance with the State Aid Program.

II. KRS and KAR References:

- KRS 75
- KRS 95A
- KAR Title 739

III. Areas of Interest:

- Current forms may be located on the Fire Commission web-site at <http://kyfirecommission.kctcs.edu/> ... anyone needing assistance contact the Commission Office at 1-800-782-6823.
- The commission shall allot eight thousand two hundred fifty dollars (\$8,250) State Aid annually to each qualifying fire department
- Any qualifying department which fails to participate satisfactorily in the National Fire Incident Reporting System as described in KRS shall forfeit annually five hundred dollars (\$500.00) of its allotment.
- All training hours shall be logged into the Fire Commission training system no later than December 31 of each calendar year (no exceptions)
- All fire reports must also be entered into the National Fire Incident Reporting System no later than December 31 of each calendar year (no exceptions)

SECTION 5

INCENTIVE PAY

**Governor's Commission on Fire Protection Personnel
Standards and Education
Fire Commission Handbook**

Section 5
Incentive Pay

I. Purpose:

This section of the Handbook will provide overall guidance for those needing assistance with the Incentive Pay Program.

II. KRS and KAR References:

- KRS 95A
- KAR Title 739

III. Areas of Interest:

- Current forms may be located on the Fire Commission web-site at <http://kyfirecommission.kctcs.edu/> ... anyone needing assistance contact the Commission Office at 1-800-782-6823.
- Application for Incentive Pay
- Funds Administered by Commission
 - \$3,100.00 each year - (\$258.33 per month)
- Requirements for participation:
 - Departments participating in the Incentive and Pension Programs **MUST** submit an application between February 1 - April 30 of each year for approval by the Fire Commission in order to participate in the program.
 - Achieve 400 hours of training for approval
 - Achieve a minimum of 100 hours of training annual
 - Work a minimum of 2080 hours annually

SECTION 6

BENEFITS

**Governor's Commission on Fire Protection Personnel
Standards and Education
Fire Commission Handbook**

Section 6
Benefits

I. Purpose:

This section of the Handbook will provide overall guidance for those needing assistance with the Firefighter Benefits Programs.

II. KRS and KAR References:

- KRS 61
- KRS 95A
- KRS 164
- KAR Title 739

III. Areas of Interest:

- Current forms may be located on the Fire Commission web-site at <http://kyfirecommission.kctcs.edu/> ... anyone needing assistance contact the Commission Office at 1-800-782-6823.
- Claim for Benefits
- Firefighter Permanent Disability
- Free Tuition at State-Supported Schools
- Funds Administered by Commission
- Line of duty disability
- Payments for Insurance
- Report of Firefighter Death
- Survivor Benefits

IV. Report of Injury:

The First Report of Injury (IA-1) must be submitted by the supervisor (or designee) immediately after notification of injury. The First Report of Injury must be completed "within three (3) working days" per KRS 342.038, after the injury to meet the requirement of making the first payment to the employee. This requirement cannot be met if the injury report is not received promptly. Failure to comply with this statute can result in a fine being levied of up to \$1000.00 for each occurrence.

Workers' Compensation Program
State Office Building, 3rd Floor
501 High Street
Frankfort, Kentucky 40601
(502) 564-6847 or 1-888-860-0302

<http://personnel.ky.gov/emprel/workerscomp/>

Section 7

Instructors

**Governor's Commission on Fire Protection Personnel
Standards and Education
Fire Commission Handbook**

Section 7
Instructors

I. Purpose:

This section of the Handbook will provide overall guidance for those needing assistance with Fire Service Instructors.

II. KRS and KAR References:

- KRS 95A
- KRS 164
- KAR Title 739

III. Areas of Interest:

- Current forms may be located on the Fire Commission web-site at <http://kyfirecommission.kctcs.edu/> ... anyone needing assistance contact the Commission Office at 1-800-782-6823.
- AAS Degree – Fire Rescue Science Technology Degree ... anyone interested contact your State Fire Rescue Area Coordinator
- Bridge Course
- Certification & Qualification of Instructors
- Instructor Level 1 Application
- Instructor Level 2 Application
- Instructor Level 3 Application
- Instructor Level 1 (Out-Of-State Request)
- Meetings and Contract Hours
- 1403 Recommendations / Requirements / Checklists

SECTION 8

LOW INTEREST LOANS

**Governor's Commission on Fire Protection Personnel
Standards and Education
Fire Commission Handbook**

**Section 8
Low Interest Loans**

I. Purpose:

This section of the Handbook will provide overall guidance for those needing assistance with the Low Interest Loan Program.

II. KRS and KAR References:

- KRS 95A
- KAR Title 739

III. Areas of Interest:

- Current forms may be located on the Fire Commission web-site at <http://kyfirecommission.kctcs.edu/> ... anyone needing assistance contact the Commission Office at 1-800-782-6823.
- Low Interest rate
 - 3% APR
- Loans for Volunteer Fire Departments
 - Barrow up to \$75,000.00 with terms as long as 12 years
- Loan's for Facility Construction
- Loans for Apparatus / Equipment
 - Apparatus must be no more than 20 years old
- Loans for Protective, Accessory and Communication Equipment

SECTION 9

TRAINING FACILITY GRANTS

**Governor's Commission on Fire Protection Personnel
Standards and Education
Fire Commission Handbook**

Section 9
Training Facility Grants

I. Purpose:

This section of the Handbook will provide overall guidance for those needing assistance with Training Facility Grants.

II. KRS and KAR References:

- KRS 95A
- KAR Title 739

III. Areas of Interest:

- Current forms may be located on the Fire Commission web-site at <http://kyfirecommission.kctcs.edu/> ... anyone needing assistance contact the Commission Office at 1-800-782-6823.
- Five hundred thousand dollars (\$500,000.00) shall be allocated each fiscal year of the biennium to the firefighters training center fund
- The fund was created and established, for the purposes of constructing new or upgrading existing fire training centers for firefighters
- Participation Requirements

SECTION 10
TRAINING AND
TRAINING RECORDS

**Governor's Commission on Fire Protection Personnel
Standards and Education
Fire Commission Handbook**

Section 10
Training & Training Record

I. Purpose:

This section of the Handbook will provide overall guidance for those needing assistance with Training and/or Training Records.

II. KRS and KAR References:

- KRS 95A
- KAR Title 739

III. Areas of Interest:

- Current forms may be located on the Fire Commission web-site at <http://kyfirecommission.kctcs.edu/> ... anyone needing assistance contact the Commission Office at 1-800-782-6823.
- Any fire department eligible to receive State Aid funding shall have all training records entered into the Fire Commission computer database no later than December 31 of each calendar year. **There will be no exceptions.** Any fire department eligible to receive State Aid funding shall have a minimum of fifty percent (50%) of its personnel certified as recognized by the Commission.
- International Fire Service Accreditation Congress (IFSAAC) information can be located on the web-site
- State Fire Rescue Training (SFRT) annually provides 20 hours of training to each fire department without any cost to the department
- Fire Commission Approved Curriculum
- Live fire training must be compliant with NFPA 1403 requirements
- AAS Degree in Fire Rescue Science Technology ... anyone interested contact their State Fire Rescue Area Training Coordinator

SECTION 11

HEPATITIS B

**Governor's Commission on Fire Protection Personnel
Standards and Education
Fire Commission Handbook**

Section 11
Hepatitis B

I. Purpose:

This section of the Handbook will provide overall guidance for those needing assistance with Hepatitis B inoculations (shots).

II. KRS and KAR References:

- KRS 95A
- KAR Title 739

III. Areas of Interest:

- Current forms may be located on the Fire Commission web-site at <http://kyfirecommission.kctcs.edu/> ... anyone needing assistance contact the Commission Office at 1-800-782-6823.
- Program Benefits
 - Must use local health department – only health departments will be reimbursed
- Paid Departments
- Volunteer Departments.
- Hepatitis B Vaccine Vouchers
 - Must use current vouchers available on web-site

SECTION 12

NATIONAL FIRE

INCIDENT REPORTING SYSTEM

**Governor's Commission on Fire Protection Personnel
Standards and Education
Fire Commission Handbook**

Section 12
National Fire Incident Reporting System

I. Purpose:

This section of the Handbook will provide overall guidance for those needing assistance with the National Incident Reporting System.

II. KRS and KAR References:

- KRS 95A

III. Areas of Interest:

- **Current forms may be located on the Fire Commission web-site at <http://kyfirecommission.kctcs.edu/> ... anyone needing assistance contact the Commission Office at 1-800-782-6823.**
 - New user name and password
- Any qualifying department which fails to participate satisfactorily in the National Fire Incident Reporting System as described in KRS shall forfeit annually five hundred dollars (\$500) of its allotment.

SECTION 13
JR. FIREFIGHTER
PROGRAM

**Governor's Commission on Fire Protection Personnel
Standards and Education
Fire Commission Handbook**

**Section 13
Jr. Firefighter Program**

I. Purpose:

This section of the Handbook will provide overall guidance for those needing assistance with the Jr. Firefighter Program.



Date: January 1, 2014

To: Kentucky Chiefs and Firefighters

From: Ronnie Day, Executive Director
Kentucky Fire Commission

Re: Revised "Fire Commission Junior Firefighter Program (JRFF)"

Over the past two years, the Governor's Commission on Fire Protection Personnel Standards and Education (Fire Commission) has received and considered a variety of thoughtful comments concerning the JRFF program. Most comments have been positive and encouraging as we continue to revise and improve upon the initial program that was released on January 1, 2012.

Starting a youth program in your department is an opportunity to increase enthusiasm and morale. Bringing in new enthusiasm with youths, and rekindling it with veterans, will better-serve those you protect and may contribute to the overall future of your department. Recruiting the younger generation from our many communities and utilizing their time and effort, in return for training and structure, is one of the many great traditions that help make the fire service what it is today.

As you begin your JRFF program the Kentucky Fire Commission requires all departments to keep safety at the forefront of their operations and activities. The Commission includes in the meaning of safety both the physical and psychological well-being of both youth and adult members. In addition, department oversight also means the safety of your members and the department as a whole. Departments are cautioned to be aware of potential liability issues and to seek advice from the Fire Commission with any questions that may arise surrounding the JRFF program and minors involved.

To implement the JRFF all departments must:

- Be recognized, approved, and registered in the Fire Commission database;
- Implement a procedure that clearly defines program responsibilities and operations and is not inconsistent with any of Commission determined requirements for a JRFF Program;
- Complete and submit a program notification form to the Fire Commission Office;
- Maintain all required program documentation on file (in main fire station) for review;
- Follow approved program guidelines as established by the Fire Commission.

The following documentation should replace any previous mail-outs you may have received in the past:

- Attachment #1 JRFF Program Notification
- Attachment #2 JRFF Program Application
- Attachment #3 JRFF Parental Consent and Approval
- Attachment #4 JRFF Training Approval/Permission Form
- Attachment #5 JRFF Program Guidelines

If you have any comments recommendations or questions, you may contact JRFF Program Chairman Butch McKinney at 859-608-4073 or butch.mckinney@kctcs.edu

Kentucky Fire Commission
300 North Main Street, Versailles, KY 40383
Phone (800) 782-6823 | Fax (859) 256-3125

Attachment # 1
Junior Firefighter Program
Notification Form

October 24, 2012

Please print using Black or Blue Ink

Date JRFF Program Started: _____

Fire Department Name: _____

Fire Department Address: _____

Fire Chief: _____
Print and Date

Fire Chief: _____
Signature and Date

Number of JRFFs: _____

The fire chief shall submit a JRFF Program notification form to the State Fire Commission Office in Versailles prior to implementing the Fire Commission approved program. Any department that has already started a Fire Commission approved program prior to this notification shall also submit a form. Any department that fails to submit this notification form shall not be permitted to start or continue a JRFF Program. Junior Firefighters who participate in a Program for which the fire chief does not notify the Commission will forfeit any training hours earned in the JRFF Program.

Junior Firefighters are not classified as employees, volunteer firefighters, or paid firefighters. Consequently, rules for coverage under any workman's compensation insurance are extremely sensitive. Failure to notify the Commission of a JRFF Program may jeopardize workman's compensation coverage. The Commission shall not be responsible for any coverage issues arising from failure to notify.

Upon notification, these forms will be maintained on file in the system office for accounting and tracking purposes involving JRFF programs statewide. A copy of this form should be maintained on file at the main fire station and is subject to audit by the Fire Commission.

Note: These forms are only required for Fire Commission JRFF Programs.

Mail to: Kentucky Fire Commission
300 North Main Street,
Versailles, KY 40383

Phone (800) 782-6823 | Fax (859) 256-3125

Attachment # 2
Junior Firefighter Program
Application

October 24, 2012

Please print using Black or Blue Ink

Section I

- Name: _____
- Phone Number: _____
- Address: _____
- Birthdate: _____
- Email Address: _____
- Do you have your parent's permission to apply to be a Junior Firefighter?
Yes [] No []

Section II

- Parent/Guardian Name: _____
- Phone Number: _____
- Address: _____
- Emergency Contacts:
 - Name: _____
 - Phone Number: _____
 - Relation: _____
 - Name: _____
 - Phone Number: _____
 - Relation: _____

Section III

Medical Information

- Doctor: _____
- Phone Number: _____

- Hospital: _____
- Phone Number: _____
- Medical Conditions: _____
- Allergies: _____
- Do you take any medication?
 Yes [] No []

If yes, list the medication and what condition it is for:

Junior Firefighter Applicant Signature Date

Parent/Guardian Signature Date

Fire Chief Signature Date

Attachment # 3
Junior Firefighter Program
Parental Consent and Approval

October 24, 2012

Please print using Black or Blue Ink

I, _____, hereby grant permission for my child,
_____, to participate in the Junior Firefighter Program conducted by
_____. As an official participant in the Junior Firefighter

Program with _____, for and on behalf of my child, I agree to the following:

a. **Hold Harmless:** I shall hold harmless _____ and the Kentucky Fire Commission for any harm or damages caused by or any liability incurred from my child's participation in the Junior Firefighter Program;

b. **Indemnification:** I shall indemnify _____ and the Kentucky Fire Commission for any costs incurred due to harm or damages caused by or any liability incurred by the _____ and the Kentucky Fire Commission as a result of my child's participation in the Junior Firefighter Program. Such indemnification shall not be limited to actual damages but may include other specific damages;

c. **Choice of Law:** I agree that my child _____ and I shall settle any and all disputes between the sponsoring Fire Department the Kentucky Fire Commission, and any parties acting on their behalf in Kentucky and using Kentucky law;

d. **Full Agreement:** I agree that neither I nor my child nor anyone from the Kentucky Fire Commission or the sponsoring Fire Department has made any promises or agreements that do not appear within the body of this document.

e. **Terms:** I and my child agree to the following conditions for participation in the Junior Firefighter Program:

- i. My child shall not serve in any primary firefighting role, but shall at all times serve as a support volunteer who is present only under the supervision of qualified firefighters, either volunteer or paid;
- ii. My child shall follow all rules, orders, and other instructions given by the supervising members of the sponsoring Fire Department;
- iii. Failure to follow all rules, orders, and other instructions given by the supervising members of the sponsoring Fire Department may result in dismissal from the Program. Such dismissal is at the discretion of the supervising members of the Program and shall not be an appealable decision;
- iv. My child shall adhere to a code of conduct that is courteous, respectful, civil, and professional at all times while participating in the Junior Firefighter Program;

- v. The Junior Firefighter Program maintains a zero-tolerance policy for all participants in regards to drugs, alcohol, violence, and violations of the law. Any participant who violates this zero-tolerance policy shall be dismissed from the Program; and

I further understand that my child is not a firefighter under state law and does not qualify in any manner for benefits or other programs open to those firefighters qualified as professional or volunteer firefighters. Neither I nor my child shall make any claim to those benefits or programs available to paid or volunteer firefighters. Workers' Compensation benefits and eligibility therefor may be available to my child if all eligibility requirements are met. Legitimate claims for workers' compensation will be addressed as appropriate under the law.

I agree and hereby declare that I have read all materials provided to me and my child through the Junior Firefighter Program. In addition, I have discussed these terms, conditions, and requirements with my child; both I and my child understand the requirements for participation in this Program. In declaring this acknowledgement and understanding, I and my child have affixed our signatures below.

Finally, I agree that the sponsoring fire department and its designated agents shall stand in my place for purposes of consent to transport and emergency treatment in the event of injury to my child. I hereby give consent for the sponsoring fire department and its designated agents to make those decisions necessary until such time as I arrive to retrieve my child from the fire department's care and custody. I also agree to hold harmless the sponsoring fire department and its designated agents from any liability or any claims that arise from the decisions to transport or treat my child while in the care of the sponsoring fire department.

Parent or Guardian

Date

Child

Date

As Fire Chief of the sponsoring department, I hereby declare that I have supplied the above named parent and child with all documents, including program guidelines, that are necessary for participation in and completion of the JRFF Program in my department.

Fire Chief

Date

Attachment # 4
Junior Firefighter Program
Training Information and Emergency Contact Information
October 24, 2012

Please print using Black or Blue Ink

JRFF Name: _____

Class/Subject: _____

Date: _____

Fire School: _____

Fire Department: _____

Fire Chief: _____

Please Print

Fire Chief Signature: _____

Fire Chief Phone #: _____

Fire Chiefs **SHALL** provide all JRFF's with a training information and emergency contact form prior to the JRFF first class. The information included above is required at a minimum. Fire Chiefs may collect more information if necessary.

Inform participating Junior Firefighters that they must keep a copy of this form with them at all times while participating in the Program's official activities. Class instructors and/or school/conference leadership may randomly request to see a copy of the form during the conduct of classes and or event. If the participant is unable to provide a copy, the instructor, other department leadership, or conference organizers shall not allow the child to continue participation until the form is produced.

Attachment # 5
Kentucky Fire Commission
Junior Firefighter Program Guidelines
October 24, 2012

General Requirements and Information

General Information:

- The documents provided in this mail-out are required. If a department has other documents that their county attorney or other legal counsel recommends, those documents shall be supplemental to the documents provided in this packet. **All documentation should be maintained on file within your department records.**
- It is the understanding of the Fire Commission that all JRFF's that follow the approved guidelines as set forth by the Fire Commission will be protected under workman's compensation insurance at no cost to the department. However, Fire Commission makes no representation that this coverage shall continue in the future and shall not be responsible for any claims, damages, or other liability arising from the participation of any individual in the JRFF Program should such coverage be denied.
- JRFF's ages 15-17 may ride in fire apparatus in accordance with each fire departments' SOP and local, state, and federal traffic laws. All fire departments must have and maintain a Department approved ride-along procedure at all times before JRFF's may participate.
- JRFF may not participate in the state FF identification program for picture ID's because by the state statutes you must be a certified FF. JRFF's are NOT certified firefighters and do not qualify for any state benefits made possible as a result of such certification. Officially participating JRFF's may qualify for worker's compensation benefits upon meeting eligibility requirements.
- Child labor laws do not apply to JRFF volunteers. These laws are between an employer and employee.
- Fire Departments are responsible for complying with any local, state, or federal law that is relevant to the duty of adults to report known or suspected child abuse or neglect. The Fire Commission shall not accept liability based on any failure of an individual member or department to comply with such laws.
- Some insurance companies do not permit anyone under 21 to participate in drivers training as permitted in the guidelines. This should be handled in-house and remains the responsibility of the Fire Chief.

JRFF's shall never:

- Serve as the Incident Commander;
- Participate in the place of trained personnel;
- Engage in any activities and/or areas **Immediately Dangerous to Life or Health (IDLH)** as defined by the U.S. National Institute for Occupational Safety and Health (NIOSH) involving fire or smoke conditions – (to include structure, vehicle, dumpster, wildland, liquids, gases, or rubbish fires);
- Operate or engage in any Hazardous Materials control activities – (except for a minor fluid leak from a motor vehicle accident);

- Operate hydraulic or power tools while on an incident scene;
- Participate in ventilation on an incident scene; or
- Climb ladders during incident operations to include aerial and/or ground ladders

JRFF's on an incident scene may assist with the following activities:

- Accountability;
- Rehabilitation Area (Rehab);
- Hose relocation, rolling, and/or loading outside an IDLH atmosphere;
- Exterior operations using hose lines of 2" or less and not within an IDLH atmosphere; or
- Equipment retrieval from apparatus.

Educational Requirements

JRFF's shall be:

- A high school graduate or GED certificate holder; or
- Enrolled in public school in good standing who meet the attendance regulations as set forth by federal, state, or local authorities; or
- Enrolled in an approved home or private school program; and
- A student who maintains a cumulative grade point average (GPA) or the equivalent of the letter "C" in the core curriculum, if currently enrolled in public school or other educational agency; and
- Prohibited from participating in any fire department activities during regular school hours unless as an authorized school function.

Training Requirements

JRFF's:

- Members 14 years of age are only permitted to attend classroom training and observe the skills and/or hands-on portion of training evolutions
- May attend other classes not identified below when approved by Fire Chief and no IDLH activities are involved
- Members 15-17 years of age, when properly equipped with personal protective equipment, are permitted to participate in classroom and skills/hands-on training in the following areas:
 - FF Olympics when approved by the Fire Chief
 - Administration and Organization
 - Safety
 - Communications
 - Fire Behavior (shall not include "live" fire evolutions)

- Portable Extinguishers (using a burn pan no larger than 36 x 36)
- Personal Protective Equipment
- Forcible Entry (may include power/hydraulic tools when under direct instructor supervision)
- Ventilation (may include power saws when under direct instructor supervision and when secured with fall protection)
- Ropes may include High-Angle (Awareness Level) evolutions when using NFPA approved standards and equipment
- Ladders (shall include the use of a ladder belt or safety harness for fall prevention)
- Hose/Nozzles/Appliances (shall not exceed hose lines greater than 2")
- Foam (shall not exceed hose line size greater than 2")
- Fire Control (shall not include "live" fire evolutions)
- Loss Control (Salvage/Overhaul)
- Emergency Medical Care (shall meet all governing agency requirements)
- Rescue (SHALL NOT include "Ice, Swift Water, or Dive Response Training" conditions). Such training classes are permitted (but not limited to) trench rescue, confined space, high-angle (NFPA awareness level), collapse, and extrication when under direct instructor supervision
- Water Supply
- Sprinklers (Fire Protection Systems and Alarms)
- Hazardous Materials (shall not be subject to an IDLH atmosphere); however, simulated "Hot Zone" training may be permitted)
- Fire Prevention/Public Education
- Building Construction
- Aircraft Crash-Fire-Rescue (shall not include "live" fire evolutions)
- Emergency Disaster Planning
- Pump Operations
- Drivers Training (shall only be by a licensed driver and only on a closed cone course under direct instructor supervision)
- Kentucky Firefighter Survival (shall not include "live" fire evolutions)
- Kentucky Firefighter Rescue (shall not include "live" fire evolutions)
- Kentucky Wildland Awareness (shall not include "live" fire evolutions)

Incident Response Requirements

JRFF's:

- Members 14 years of age **shall not** at any time participate on an incident scene
- Members 15-17 years of age shall complete a minimum of 23+ hours of training in the following areas prior to participating on an incident scene:
 - A0000 Administration 2 hrs.
 - B0000 Safety 2 hrs.

○	D0000	Fire Behavior	2 hrs.
○	E0000	Portable Extinguishers	1 hr.
○	F0000	PPE	3 hrs.
○	G0000	Forcible Entry	1 hr.
○	H0000	Ventilation	1 hr.
○	I0000	Ropes Basic	1 hr.
○	J0000	Ladders	2 hrs.
○	K0000	Hose, Nozzles, Appliances	2 hrs.
○	M0000	Fire Control	1 hr.
○	P0000	Emergency Medical Care	AHJ

Note: These requirements will be reviewed and re-evaluated by the Education and Eligibility Committee as needed or upon request.

IMPORTANT LIABILITY INFORMATION: It is important to remember that any deviation from these training specifications could result in departmental or personal liability. The Fire Commission does not, and shall not; approve participation of any JRFF's in any activities that fall outside these guidelines. The Fire Commission does not, shall not, and cannot waive any sovereign immunity enjoyed as a result of its status as a state agency for the Commonwealth of Kentucky.

SECTION 13
KENTUCKY REVISED STATUES
KRS

KENTUCKY ADMINISTRATIVE
REGULATIONS
KARS

**Governor's Commission on Fire Protection Personnel
Standards and Education
Fire Commission Handbook**

**Section 13
KRS and KARs**

I. Purpose:

This section of the Handbook will provide reference documents that support and/or supplement Fire Commission programs and activities listed in the previous sections.

Current forms may be located on the Fire Commission web-site at <http://kyfirecommission.kctcs.edu/> ... anyone needing assistance contact the Commission Office at 1-800-782-6823.

II. KRSs and KARs:

- **KRS: 61** General provisions as to Offices and Officers – Social Security for Public Employees – Employees Retirement System
- **KRS: 65** General provisions applicable to Counties, Cities, and Other Units
- **KRS: 67** County Government (Fiscal Courts and County Commissioners)
- **KRS: 75** Fire Protection Districts
- **KRS: 95A** City Police and Fire Departments
- **KRS: 164** State Universities and Colleges – Regional Education -- Archaeology
- **KRS: 273** Religious, Charitable, and Educational Societies – Non stock, Nonprofit Corporations
- **KRS: 304.13-380** Reports of fire calls by Fire Departments -- Monthly summaries to be sent to commissioner.

- **739 KAR**
 - 2:010. Commission meetings and proceedings.
 - 2:020. Educational incentive.
 - 2:030. Requirements for obtaining firefighter training facility grants
 - 2:040. Survivor benefits for death of firefighter.
 - 2:050. Volunteer fire department aid.

- 2:060. Certification and qualifications for fire protection instructors.
- 2:070. Volunteer fire department loan fund.

KRS

CHAPTER 61

61.315 Benefits payable on death of certain peace officers, firefighters, and members of a state National Guard or Reserve component-- Administrative regulations -- Funds allotted to a self-insuring account.

(1) As used in this section, "police officer" means every paid police officer, sheriff, or deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any auxiliary police officer appointed pursuant to KRS 95.445, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, elected to office, or employed by any county, airport board created pursuant to KRS Chapter 183, city, or by the state; "firefighter" means every paid firefighter or volunteer firefighter who is employed by or volunteers his or her services to the state, airport board created pursuant to KRS Chapter 183, any county, city, fire district, or any other organized fire department recognized, pursuant to KRS 95A.262, as a fire department operated and maintained on a nonprofit basis in the interest of the health and safety of the inhabitants of the Commonwealth and shall include qualified civilian firefighters employed at Kentucky-based military installations.

(2) The spouse of any police officer, sheriff, deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any auxiliary police officer appointed pursuant to KRS 95.445, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, firefighter, or member of the Kentucky National Guard on state active duty pursuant to KRS 38.030, or a member of a state National Guard or a Reserve component on federal active duty who names Kentucky as home of record for military purposes, whose death occurs on or after July 1, 2002, as a direct result of an act in the line of duty shall receive a lump-sum payment of eighty thousand dollars (\$80,000) if there are no surviving children, which sum shall be paid by the State Treasurer from the general expenditure fund of the State Treasury. If there are surviving children and a surviving spouse, the payment shall be apportioned equally among the surviving children and the spouse. If there is no surviving spouse, the payment shall be made to the surviving children, eighteen (18) or more years of age. For surviving children less than eighteen (18) years of age, the State Treasurer shall:

(a) Pay thirty-five thousand dollars (\$35,000) to the surviving children; and

(b) Hold forty-five thousand dollars (\$45,000) in trust divided into equal accounts at appropriate interest rates for each surviving child until the child reaches the age of eighteen (18) years.

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

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

(4) The Justice and Public Safety Cabinet may promulgate administrative regulations establishing criteria and procedures applicable to the administration of this section as it pertains to police officers, including but not limited to defining when a police officer has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.

(5) The Department of Corrections shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to correctional

employees, including but not limited to defining which employees qualify for coverage and which circumstances constitute death in the line of duty.

(6) The benefits payable under this section shall be in addition to any benefits now or hereafter prescribed under any police, sheriff, firefighters, volunteer firefighters, or National Guard or Reserve retirement or benefit fund established by the federal government or by any state, county, or any municipality.

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

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 85, sec. 128, effective June 26, 2007. -- Amended 2006 Ky. Acts ch. 252, Pt. XXVIII, sec. 12, effective April 25, 2006. -- Amended 2002 Ky. Acts ch. 289, sec. 1, effective July 15, 2002. -- Amended 1996 Ky. Acts ch. 117, sec. 1, effective July 15, 1996; and ch. 318, sec. 28, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 48, sec. 3, effective July 14, 1992; ch. 294, sec. 1, effective April 9, 1992; ch. 307, sec. 10, effective April 9, 1992; and ch. 381, sec. 8, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 225, sec. 26, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 135, sec. 1, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 247, sec. 1, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 250, sec. 1, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 344, sec. 1, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 164, sec. 4, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 35, sec. 1. -- Created 1972 Ky. Acts ch. 8, sec. 1.

Legislative Research Commission Note (4/25/2006). 2006 Ky. Acts ch. 252, Pt. XXVIII, sec. 17, provides that the amendments made to subsections (2) and (6) of this section "shall apply retroactively to July 1, 2002."

Legislative Research Commission Note (1988). Although this section was included in 1988 Acts ch. 225, sec. 26, the amended language was deleted by committee amendment.

61.810 Exceptions to open meetings.

(1) All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times, except for the following:

- (a) Deliberations for decisions of the Kentucky Parole Board;
- (b) Deliberations on the future acquisition or sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency;
- (c) Discussions of proposed or pending litigation against or on behalf of the public agency;
- (d) Grand and petit jury sessions;
- (e) Collective bargaining negotiations between public employers and their employees or their representatives;
- (f) Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret;
- (g) Discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the siting, retention, expansion, or upgrading of the business;
- (h) State and local cabinet meetings and executive cabinet meetings;
- (i) Committees of the General Assembly other than standing committees;
- (j) Deliberations of judicial or quasi-judicial bodies regarding individual adjudications or appointments, at which neither the person involved, his representatives, nor any other individual not a member of the agency's governing body or staff is present, but not including any meetings of planning commissions, zoning commissions, or boards of adjustment;
- (k) Meetings which federal or state law specifically requires to be conducted in privacy;
- (l) Meetings which the Constitution provides shall be held in secret; and
- (m) That portion of a meeting devoted to a discussion of a specific public record exempted from disclosure under KRS 61.878(1)(m). However, that portion of any public agency meeting shall not be closed to a member of the Kentucky General Assembly.

(2) Any series of less than quorum meetings, where the members attending one (1) or more of the meetings collectively constitute at least a quorum of the members of the public agency and where the meetings are held for the purpose of avoiding the requirements of subsection (1) of this section, shall be subject to the requirements of subsection (1) of this section. Nothing in this subsection shall be construed to prohibit discussions between individual members where the purpose of the discussions is to educate the members on specific issues.

Effective: March 16, 2005

History: Amended 2005 Ky. Acts ch. 93, sec. 1, effective March 16, 2005. -- Amended 1992 Ky. Acts ch. 162, sec. 3, effective July 14, 1992. -- Created 1974 Ky. Acts Ch. 377, sec. 2.

Legislative Research Commission Note (3/16/2005). The Office of the Kentucky Attorney General requested that amendments in 2005 Ky. Acts Ch. 93, sec. 1, to the arrangement of the paragraphs of subsection (1) of this section be changed. The change was requested "in the interest of preventing confusion to the public and public agencies" and was made by the Statute Reviser under the authority of KRS 7.136.

61.835 Minutes to be recorded -- Open to public.

The minutes of action taken at every meeting of any such public agency, setting forth an accurate record of votes and actions at such meetings, shall be promptly recorded and such records shall be open to public inspection at reasonable times no later than immediately following the next meeting of the body.

History: Created 1974 Ky. Acts ch. 377, sec. 7.

**61.878 Certain public records exempted from inspection except on order of court
-- Restriction of state employees to inspect personnel files prohibited.**

(1) The following public records are excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction, except that no court shall authorize the inspection by any party of any materials pertaining to civil litigation beyond that which is provided by the Rules of Civil Procedure governing pretrial discovery:

(a) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy;

(b) Records confidentially disclosed to an agency and compiled and maintained for scientific research. This exemption shall not, however, apply to records the disclosure or publication of which is directed by another statute;

(c) 1. Upon and after July 15, 1992, records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records;

2. Upon and after July 15, 1992, records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which are compiled and maintained:

- a. In conjunction with an application for or the administration of a loan or grant;
- b. In conjunction with an application for or the administration of assessments, incentives, inducements, and tax credits as described in KRS Chapter 154;
- c. In conjunction with the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person; or
- d. For the grant or review of a license to do business.

3. The exemptions provided for in subparagraphs 1. and 2. of this paragraph shall not apply to records the disclosure or publication of which is directed by another statute;

(d) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the Commonwealth. This exemption shall not include those records pertaining to application to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in paragraph (c) of this subsection;

(e) Public records which are developed by an agency in conjunction with the regulation or supervision of financial institutions, including but not limited to, banks, savings and loan

associations, and credit unions, which disclose the agency's internal examining or audit criteria and related analytical methods;

(f) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made by or for a public agency relative to acquisition of property, until such time as all of the property has been acquired. The law of eminent domain shall not be affected by this provision;

(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the exam is given or if it is to be given again;

(h) Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication. Unless exempted by other provisions of KRS 61.870 to 61.884, public records exempted under this provision shall be open after enforcement action is completed or a decision is made to take no action; however, records or information compiled and maintained by county attorneys or Commonwealth's attorneys pertaining to criminal investigations or criminal litigation shall be exempted from the provisions of KRS 61.870 to 61.884 and shall remain exempted after enforcement action, including litigation, is completed or a decision is made to take no action. The exemptions provided by this subsection shall not be used by the custodian of the records to delay or impede the exercise of rights granted by KRS 61.870 to 61.884;

(i) Preliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency;

(j) Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended;

(k) All public records or information the disclosure of which is prohibited by federal law or regulation;

(l) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly;

(m) 1. Public records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to:

a. Criticality lists resulting from consequence assessments;

b. Vulnerability assessments;

c. Antiterrorism protective measures and plans;

d. Counterterrorism measures and plans;

e. Security and response needs assessments;

f. Infrastructure records that expose vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems;

g. The following records when their disclosure will expose a vulnerability referred to in this subparagraph: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a public agency; and

h. Records when their disclosure will expose vulnerability referred to in this subparagraph and that describe the exact physical location of hazardous chemical, radiological, or biological materials.

(2) As used in this paragraph, "terrorist act" means a criminal act intended to:

a. Intimidate or coerce a public agency or all or part of the civilian population;

b. Disrupt a system identified in subparagraph 1.f. of this paragraph; or

c. Cause massive destruction to a building or facility owned, occupied, leased, or maintained by a public agency.

(3) On the same day that a public agency denies a request to inspect a public record for a reason identified in this paragraph, that public agency shall forward a copy of the written denial of the request, referred to in KRS 61.880(1), to the executive director of the Office for Security Coordination and the Attorney General.

(4) Nothing in this paragraph shall affect the obligations of a public agency with respect to disclosure and availability of public records under state environmental, health, and safety programs.

(5) The exemption established in this paragraph shall not apply when a member of the Kentucky General Assembly seeks to inspect a public record identified in this paragraph under the Open Records Law; and

n) Public or private records, including books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, having historic, literary, artistic, or commemorative value accepted by the archivist of a public university, museum, or government depository from a donor or depositor other than a public agency. This exemption shall apply to the extent that nondisclosure is requested in writing by the donor or depositor of such records, but shall not apply to records the disclosure or publication of which is mandated by another statute or by federal law.

(2) No exemption in this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person.

(3) No exemption in this section shall be construed to deny, abridge, or impede the right of a public agency employee, including university employees, an applicant for employment, or an eligible on a register to inspect and to copy any record including preliminary and other supporting documentation that relates to him. The records shall include, but not be limited to, work plans, job performance, demotions, evaluations, promotions, compensation, classification, reallocation, transfers, layoffs, disciplinary actions, examination scores, and preliminary and other supporting documentation. A public agency employee, including university employees, applicant, or eligible shall not have the right to inspect or to copy any examination or any documents relating to ongoing criminal or administrative investigations by an agency.

(4) If any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the nonexcepted material available for examination.

(5) The provisions of this section shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.

Effective: June 20 2005

History: Amended 2005 Ky. Acts ch. 45, sec. 6, effective June 20, 2005; and ch. 93, sec. 3, effective March 16, 2005. -- Amended 1994 Ky. Acts ch. 262, sec. 5, effective July 15, 1994; and ch. 450, sec. 34, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 163, sec. 5, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 494, sec. 24, effective July 15, 1986. -- Created 1976 Ky. Acts ch. 273, sec. 5.

Legislative Research Commission Note (6/20/2005). The Office of the Kentucky Attorney General requested that amendments in 2005 Ky. Acts ch. 45, sec. 6 and ch. 93, sec. 3, to the arrangement of the paragraphs of subsection (1) of this section be changed. The change was requested "in the interest of preventing confusion to the public and public agencies" and was made by the Statute Reviser under the authority of KRS 7.136.

Legislative Research Commission Note (6/20/2005). This section was amended by 2005 Ky. Acts chs. 45 and 93, which do not appear to be in conflict and have been codified together

KRS

CHAPTER 65

65.182 Procedures for creating taxing district.

Except as otherwise provided by state law, the sole methods of creating a taxing district shall be in accordance with the following:

(1) (a) Persons desiring to form a taxing district shall present a petition to the fiscal court clerk and to each member of the fiscal court, meeting the criteria of KRS 65.184, and signed by a number of registered voters equal to or greater than twenty-five percent (25%) of an average of the voters living in the proposed taxing district and voting in the last four (4) general elections. At time of its submission to fiscal court, each petition shall be accompanied by a plan of service, showing such of the following as may be germane to the purposes for which the taxing district is being formed:

1. The statutory authority under which the district is created and under which the taxing district will operate;
 2. Demographic characteristics of the area including but not limited to population, density, projected growth, and assessed valuation;
 3. A description of the service area including but not limited to the population to be served, a metes and bounds description of the area of the proposed taxing district, the anticipated date of beginning service, the nature and extent of the proposed service, the projected effect of providing service on the social and economic growth of the area, and projected growth in service demand or need;
 4. A three (3) year projection of cost versus revenue;
 5. Justification for formation of the taxing district including but not limited to the location of nearby governmental and nongovernmental providers of like services; and
 6. Any additional information, such as land use plans, existing land uses, drainage patterns, health problems, and other similar analyses which bear on the necessity and means of providing the proposed service.
- (b) A majority of the members of a fiscal court may vote to form a taxing district set forth in a plan of service that shall contain those items set forth in paragraph (a)1. to 6. of this subsection as may be germane to the purposes for which the taxing district is being formed.

(2) The fiscal court clerk shall notify all planning commissions, cities, and area development districts within whose jurisdiction the proposed service area is located and any state agencies required by law to be notified of the proposal for the creation of the taxing district.

(3) The fiscal court clerk shall schedule a hearing on the proposal for no earlier than thirty (30) nor later than ninety (90) days following receipt of the petition, charter, and plan of service, and shall, in accordance with the provisions of KRS Chapter 424, publish notice of the time and place of the public hearing and an accurate map of the area or a description in layman's terms reasonably identifying the area.

(4) At the public hearing, the fiscal court shall take testimony of interested parties and solicit the recommendations of any planning commission, city, area development district, or state agency meeting the criteria of subsection (2) of this section.

(5) The fiscal court may extend the hearing, from time-to-time, for ninety (90) days from the date of the initial hearing and shall render a decision within thirty (30) days of the final adjournment of the hearing.

(6) Following the hearing, the fiscal court shall set forth its written findings of fact and shall approve or disapprove the formation of the taxing district to provide service as described in the plan of service and to exercise the powers granted by the specific statutes that apply to the taxing district being formed.

(7) The creation of a taxing district shall be of legal effect only upon the adoption of an ordinance, in accordance with the provisions of KRS 67.075 and 67.077, creating the taxing district, and compliance with the requirements of KRS 65.005.

(8) A certified copy of the ordinance creating the taxing district shall be filed with the county clerk who shall add the levy to the tax bills of the county. For taxing purposes, the effective date of the tax levy shall be January 1 of the year following the certification of the creation of the taxing district.

(9) Nothing in this section shall be construed to enlarge upon or to restrict the powers granted a taxing district under the taxing district's specific authorizing statutes.

(10) In a county which does not contain a city of the first class, the fiscal court may adopt the procedures of KRS 65.192 to create a fire protection district or a volunteer fire department district, but only those qualified voters who live within the boundaries of the proposed district shall vote on the question of whether it shall be established.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 361, sec. 12, effective July 15, 2002. -- Amended 1994 Ky. Acts ch. 155, sec. 1, effective July 15, 1994. -- Created 1984 Ky. Acts ch. 100, sec. 2, effective July 13, 1984.

KRS

CHAPTER 67

67.075 Definitions.

For the purposes of this chapter, the following words shall have the following meanings:

(1) "County ordinance" means (a) an official written act of a fiscal court, the effect of which is general and lasting in nature, which is enforceable within the jurisdiction of the county; or (b) a lawful appropriation of money.

(2) "Summary" means a concise written narrative covering the main points of any official statement, certified as to its accuracy by the fiscal court and written in a way calculated to inform the public clearly of its contents. Summaries may be written for but are not limited to resolutions and ordinances.

Effective: June 17, 1978

History: Created 1978 Ky. Acts ch. 118, sec. 1, effective June 17, 1978.

67.083 Additional powers of fiscal courts.

(1) It is the purpose of this section to provide counties as units of general purpose local government with the necessary latitude and flexibility to provide and finance various governmental services within those functional areas specified in subsection (3) of this section, while the General Assembly retains full authority to prescribe and limit by statute local governmental activities when it deems such action necessary.

(2) The fiscal court of any county is hereby authorized to levy all taxes not in conflict with the Constitution and statutes of this state now or hereafter enacted.

(3) The fiscal court shall have the power to carry out governmental functions necessary for the operation of the county. Except as otherwise provided by statute or the Kentucky Constitution, the fiscal court of any county may enact ordinances, issue regulations, levy taxes, issue bonds, appropriate funds, and employ personnel in performance of the following public functions:

- (a) Control of animals, and abatement of public nuisances;
- (b) Regulation of public gatherings;
- (c) Public sanitation and vector control;
- (d) Provision of hospitals, ambulance service, programs for the health and welfare of the aging and juveniles, and other public health facilities and services;
- (e) Provision of corrections facilities and services, and programs for the confinement, care, and rehabilitation of juvenile law offenders;
- (f) Provision of parks, nature preserves, swimming pools, recreation areas, libraries, museums, and other recreational and cultural facilities and programs;
- (g) Provision of cemeteries and memorials;
- (h) Conservation, preservation and enhancement of natural resources including soils, water, air, vegetation, and wildlife;
- (i) Control of floods;
- (j) Facilitating the construction and purchase of new and existing housing; causing the repair or demolition of structures which present a hazard to public health, safety, or morals or are otherwise inimical to the welfare of residents of the county; causing the redevelopment of housing and related commercial, industrial, and service facilities in urban or rural areas; providing education and counseling services and technical assistance to present and future residents of publicly assisted housing;
- (k) Planning, zoning, and subdivision control according to the provisions of KRS Chapter 100;
- (l) Adoption, by reference or in full, of technical codes governing new construction, renovation, or maintenance of structures intended for human occupancy;
- (m) Regulation of commerce for the protection and convenience of the public;

(n) Regulation of the sale of alcoholic beverages according to the provisions of KRS Chapters 241 to 244;

(o) Exclusive management of solid wastes by ordinance or contract or by both and disposition of abandoned vehicles;

(p) Provision of public buildings, including armories, necessary for the effective delivery of public services;

(q) Cooperation with other units of government and private agencies for the provision of public services, including, but not limited to, training, educational services, and cooperative extension service programs;

(r) Provision of water and sewage and garbage disposal service but not gas or electricity; including management of onsite sewage disposal systems;

(s) Licensing or franchising of cable television;

(t) Provision of streets and roads, bridges, tunnels and related facilities, elimination of grade crossings, provision of parking facilities, and enforcement of traffic and parking regulations;

(u) Provision of police and fire protection;

(v) Regulation of taxis, buses, and other passenger vehicles for hire;

(w) Provision and operation of air, rail and bus terminals, port facilities, and public transportation systems;

(x) Promotion of economic development of the county, directly or in cooperation with public or private agencies, including the provision of access roads, land and buildings, and promotion of tourism and conventions;

(y) Preservation of historic structures; and

(z) Regulation of establishments or commercial enterprises offering adult entertainment and adult entertainment activities.

(4) The county judge/executive is hereby authorized and empowered to exercise all of the executive powers pursuant to this section.

(5) A county acting under authority of this section may assume, own, possess and control assets, rights, and liabilities related to the functions and services of the county.

(6) If a county is authorized to regulate an area which the state also regulates, the county government may regulate the area only by enacting ordinances which are consistent with state law or administrative regulation:

(a) If the state statute or administrative regulation prescribes a single standard of conduct, a county ordinance is consistent if it is identical to the state statute or administrative regulation;

(b) If the state statute or administrative regulation prescribes a minimal standard of conduct, a county ordinance is consistent if it establishes a standard which is the same as or more stringent than the state standard;

(c) A county government may adopt ordinances which incorporate by reference state statutes and administrative regulations in areas in which a county government is authorized to act.

(7) County ordinances which prescribe penalties for their violation shall be enforced throughout the entire area of the county unless:

(a) Otherwise provided by statute; or

(b) The legislative body of any city within the county has adopted an ordinance pertaining to the same subject matter which is the same as or more stringent than the standards that are set forth in the county ordinance. The fiscal court shall forward a copy of each ordinance which is to be enforced throughout the entire area of the county to the mayor of each city in the county.

(8) (a) The powers granted to counties by this section shall be in addition to all other powers granted to counties by other provisions of law. These powers, other than the power to tax, may be exercised cooperatively by two (2) or more counties, or by a county and a city, or by a county and a special district, or by a county and the state through, but not limited to, joint contracts, joint ownership of property, or the exchange of services, including personnel and equipment. When counties cooperate in the provision of public services, contracts shall be drawn to document the benefits and relative cost for each of the participating governments. One (1) government may pay one hundred percent (100%), or a lesser percentage, of all or any part of the cost of the joint undertaking, based upon the written contract required by this subsection.

(b) A permissive procedure authorized by this section shall not be deemed to be exclusive or to prohibit the exercise of other existing laws and laws which may hereafter be enacted but shall be an alternative or supplement thereto.

(9) Any agency of county government exercising authority pursuant to subsection (3)(y) of this section shall, prior to exercising such authority, obtain the voluntary written consent of the owner of the structure. Consent may be obtained only after advising the owner in writing of any advantages and disadvantages to the owner which are likely to result from the exercise of such authority.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 82, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 210, sec. 1, effective March 30, 1998. -- Amended 1988 Ky. Acts ch. 29, sec. 1, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 23, sec. 1, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 254, sec. 1, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 149, sec. 3, effective July 15, 1980. -- Amended 1979 (1st Extra. Sess.) Ky. Acts ch. 22, sec. 1, effective May 12, 1979. -- Amended 1978 Ky. Acts ch. 118, sec. 3, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 20, sec. 6, effective January 2, 1978. -- Created 1972 Ky. Acts ch. 384, sec. 1.

KRS

CHAPTER 75

75.010 Establishment of fire protection or volunteer fire department district.

(1) A fire protection district or a volunteer fire department district may be created in accordance with the procedures of KRS 65.182.

(2) In no event shall any fire protection district or any volunteer fire department district include within its metes and bounds any territory at that time or thereafter included in any city of this Commonwealth which maintains a "regular fire department," and which city has paid its proportionate share of the indebtedness incurred while such territory was a part of that district.

Effective: July 13, 1984

History: Amended 1984 Ky. Acts ch. 100, sec. 7, effective July 13, 1984. -- Amended 1978 Ky. Acts ch. 384, sec. 195, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 67, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 62, sec. 77. -- Amended 1968 Ky. Acts ch. 152, sec. 47. -- Amended 1966 Ky. Acts ch. 239, sec. 25. -- Amended 1964 Ky. Acts ch. 184, sec. 1. -- Amended 1960 Ky. Acts ch. 104, sec. 3. -- Created 1944 Ky. Acts ch. 133, sec. 1.

75.015 Formation of fire protection subdistrict -- Tax levy -- Expenditure of tax revenues -- Separation of subdistrict amounts in tax billing and in accounting.

(1) A fire protection subdistrict may be formed according to the provisions of this section. A fire protection subdistrict shall:

- (a) Be located within the territorial limits of a fire protection district or volunteer fire department district;
- (b) Have a continuous boundary; and
- (c) Be managed by the board of trustees of the district, which shall:
 - 1. Impose an ad valorem tax on property in the subdistrict in addition to the ad valorem tax the board imposes on property in the district as a whole; and
 - 2. Expend the revenue from that additional tax on improved fire protection facilities and services for the subdistrict.

(2) Persons desiring to form a fire protection subdistrict shall present a petition to the fiscal court clerk and to each member of the fiscal court. The petition shall be accompanied by a map and a metes and bounds description or other description which specifically identifies the boundaries of the proposed subdistrict. The petition shall be signed by more than sixty percent (60%) of the persons who both:

- (a) Live within the proposed subdistrict; and
- (b) Own property that is located within the proposed subdistrict and is subject to taxation by the district under KRS 75.040.

(3) The petition shall contain the name and address of each petitioner and the address of each petitioner's property that is located within the proposed subdistrict. It shall be in substantially the following form: "The following owners of property located within (insert the name of the fire protection district or volunteer fire department district) hereby petition the fiscal court to form a fire protection subdistrict located at (insert a brief description of the location of the proposed subdistrict). The board of trustees of (insert the name of the fire protection district or volunteer fire department district) shall have the authority to impose a special ad valorem tax of (insert amount, not to exceed the maximum allowed under subsection (6) of this section) on each one hundred dollars (\$100) worth of property assessed for local taxation in the subdistrict, in order to provide enhanced fire protection for the subdistrict. This tax shall be in addition to the ad valorem tax imposed by the trustees on the district as a whole."

(4) Upon receipt of the petition, the fiscal court shall hold a hearing and provide notification in the manner required for creation of a taxing district under KRS 65.182(2) to (5). Following the hearing, the fiscal court shall set forth its written findings of fact and shall approve or disapprove the formation of the subdistrict. The creation of the subdistrict shall be of legal effect only upon the adoption of an ordinance in accordance with the provisions of KRS 67.075 to 67.077. A certified copy of the ordinance creating the subdistrict shall be filed with the county clerk.

(5) Upon the creation of a fire protection subdistrict, the trustees shall levy a tax, not to exceed the amount stated in the petition, on the property in the subdistrict, for the purpose of improving fire protection facilities and services in the subdistrict.

(6) The tax levied under this section, combined with the tax for fire and emergency services levied on the entire district under KRS 75.040, shall not exceed:

(a) Ten cents (\$0.10) per one hundred dollars (\$100) of valuation as assessed for county taxes if neither the fire district nor the fire subdistrict operates an emergency ambulance service under KRS 75.040; or

(b) Twenty cents (\$0.20) per one hundred dollars (\$100) of valuation as assessed for county taxes if either the fire district or fire subdistrict operates an emergency ambulance service under KRS 75.040.

At no time shall the trustees increase either of these taxes so that the combined total exceeds this limit.

(7) The county clerk shall add the levy to the tax bills of the affected property owners. For taxing purposes, the effective date of the tax levy shall be January 1 of the year following the certification and creation of the subdistrict. The tax shall be administered in the same manner as the tax on the entire district under KRS 75.040(2) and (3).

(8) The board of trustees shall not reduce the tax rate imposed on property in the district as a whole as a result of receiving extra revenue from the additional tax on property in the subdistrict. The trustees shall expend the extra revenue solely on improving fire protection facilities and services in the subdistrict and shall not expend the extra revenue on facilities or services that are shared by the entire district.

(9) Fire subdistrict taxes shall be placed on the tax bill in a place separate from the bill of the fire district tax so that ratepayers can ascertain the amount of each tax and its rate.

(10) The sheriff shall separately account to the fire district for the funds collected for each subdistrict within the fire district.

(11) Fire districts shall maintain a separate accounting of all subdistrict funds, and if there is more than one (1) subdistrict, a separate accounting for each subdistrict.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 151, sec. 2, effective July 13, 2004. -- Amended 1996 Ky. Acts ch. 90, sec. 1, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 414, sec. 1, effective July 15, 1994.

75.020 Annexation or reduction of territory -- Expansion into territory served by fire department -- Assumption by city of debt -- Merger of districts.

(1) (a) The territorial limits of an established fire protection district, or a volunteer fire department district, as established under KRS 75.010 to 75.080, may be enlarged or diminished in the following way: The trustees of the fire protection district or of the volunteer fire department district shall file a petition in the county clerk's office of the county in which that district and the territory to be annexed or stricken off, or the greater part thereof, is located, describing the territory to be annexed or stricken and setting out the reasons therefor. Notice of the filing of such petition shall be given by publication as provided for in KRS Chapter 424. On the day fixed in the notice, the county judge/executive shall, if the proper notice has been given, and the publication made, and no written objection or remonstrance is interposed enter an order annexing or striking off the territory described in the petition. Fifty-one percent (51%) or more of the freeholders of the territory sought to be annexed or stricken off may, at any time before the date fixed in the notice, remonstrate in writing, filed in the clerk's office, to the action proposed. If such written remonstrance is filed, the clerk shall promptly give notice to the trustees of the fire protection district, or of the volunteer fire department district, and the county judge/executive shall hear and determine the same. If upon such hearing, the county judge/executive finds from the evidence that a failure to annex or strike off such territory will materially retard the functioning of the fire protection district or the volunteer fire department district and materially affect adversely the owners and the inhabitants of the territory sought to be annexed or stricken off, he or she shall enter an order, granting the annexation or striking off the territory. In the latter event, no new petition to annex or strike off all or any part of the same territory shall be entertained for a period of two (2) years. Any aggrieved person may bring an action in Circuit Court to contest the decision of the county judge/executive.

(b) In addition to the provisions of paragraph (a) of this subsection, if the trustees of a fire protection district or a volunteer fire department district, as established under KRS 75.010 to 75.080, are seeking to expand territory into an area served by a fire department created under KRS Chapter 273, then the trustees shall, prior to executing the provisions of paragraph (a) of this subsection, enter into a written agreement with the fire chief and the board of the fire department created under KRS Chapter 273. The agreement shall establish the proposed new boundary. On the day the agreement is finalized, the trustees of the district shall send by certified mail, return receipt requested, or have personally delivered a copy of the agreement to the county judge/executive of the county containing the territory subject to the expansion. The notice required in paragraph (a) of this subsection shall, in lieu of the applicable publication requirements set out in KRS Chapter 424, be published at least once a week, for a minimum of two (2) weeks. The last publication shall occur no less than seven (7) days before the date fixed in the notice.

(c) If the trustees approach the fire chief and board of the fire department created under KRS Chapter 273 in the manner authorized in paragraph (b) of this subsection and are unable to reach an agreement within thirty (30) days, the trustees, or any real property holder of the territory subject to the annexation, may directly seek permission from the real property holders of that territory to continue with the annexation procedure set out in paragraphs (a) and (b) of this subsection by circulating a petition and securing the signatures of at least fifty-one percent (51%) of the real property holders within that territory. The petition shall include the residential address of the signer and the date of

the signature. The petition shall be certified by the county clerk if the clerk finds the petition sufficient in form and requisite amount of signatures.

(2) The property in any territory annexed to a fire protection district or to a volunteer fire department district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the fire protection district or the volunteer fire department district prior to the date of the annexation of such territory, except such indebtedness as represents the balance owing on the purchase price of firefighting equipment. The property in any territory stricken off from a fire protection district or a volunteer fire department district by the incorporation of or annexation by a city of this Commonwealth shall not be relieved of liability of such taxes as may be necessary to pay its proportionate share of the indebtedness incurred while such territory was a part of that district. Territories stricken by action of the county judge/executive under the provisions of subsection (1) shall be relieved of liability for all indebtedness incurred by the fire protection district or the volunteer fire department district.

(3) Any city that maintains a "regular fire department," and has either by incorporation or annexation caused property to be stricken from a fire protection district or a volunteer fire department district, shall assume the liability of such taxes as may be necessary to pay the proportional share of the indebtedness incurred while such territory was a part of said district.

(4) The territorial limits of two (2) or more fire protection districts, or volunteer fire department districts, as established by KRS 75.010 to 75.080, may be merged into one (1) fire protection district or volunteer fire department district as follows:

(a) The trustees of each fire protection district or volunteer fire department district shall file a joint petition in the county clerk's office of the county in which all of the districts and the territory to be merged into one (1) district, or the greater part of the district, is located, describing the territory to be merged into the district and setting out the reasons for the merger;

(b) Notice of the filing of the petition shall be given by publication as provided in KRS Chapter 424 for public notices;

(c) On the day fixed in the notice, the county judge/executive shall, if proper notice by publication has been given, and no written objection or remonstrance has been made, enter an order merging the fire protection districts or volunteer fire department districts described in the petition;

(d) Fifty-one percent (51%) or more of the property owners of the territory sought to be merged into one (1) district may, at any time before the date fixed in the notice, remonstrate by written petition to the county clerk regarding their objection to the merger of the districts. If a petition is filed, the county clerk shall give prompt notice to the trustees of the fire protection districts or the volunteer fire protection districts and the county judge/executive;

(e) The county judge/executive shall schedule a hearing regarding the petition and shall give public notice as to the date, time, and place of the hearing. If after the hearing, the county judge/executive finds from the evidence that a failure to merge the territory will materially retard the functioning of the fire protection districts or volunteer fire department districts and materially affect adversely the owners and the inhabitants of the territory sought to be merged, he or she shall enter an order granting the merger of the districts into one (1) fire protection district or volunteer fire department district; and

(f) Any aggrieved person may bring an action in Circuit Court to contest the decision of the county judge/executive regarding the merger fire protection districts or volunteer fire department districts.

(5) The property in any fire protection district or volunteer fire department district which is merged with another fire protection district or volunteer fire department district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the other fire protection district or volunteer fire department district prior to the date of the merger into one (1) fire protection district, except indebtedness which represents a balance owed on the purchase price of firefighting equipment from the other fire protection district or volunteer fire department district.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 166, sec. 1, effective July 15, 2008. -- Amended 2004 Ky. Acts ch. 19, sec. 1, effective July 13, 2004. -- Amended 1996 Ky. Acts ch. 127, sec. 1, effective July 15, 1996. -- Amended 1984 Ky. Acts ch. 100, sec. 8, effective July 13, 1984. -- Amended 1978 Ky. Acts ch. 384, sec. 196, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 68, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 62, sec. 78. -- Amended 1966 Ky. Acts ch. 146, sec. 8. -- Amended 1964 Ky. Acts ch. 184, sec. 2. -- Amended 1960 Ky. Acts ch. 104, sec. 4. -- Created 1944 Ky. Acts ch. 133, sec. 2.

75.031 Trustees, elections, appointments, terms -- Continued service upon establishment of consolidated local government -- Vacancies -- Removal -- Elections for part of trustees -- Officers.

- (1) (a) Upon creation of a fire protection district or a volunteer fire department district as provided in KRS 75.010, the affairs of the district shall be conducted by the board of trustees consisting of seven (7) members, four (4) to be elected by the members of the district as hereinafter set out and three (3) to be appointed by the county judge/executive or mayor in a consolidated local government pursuant to the provisions of KRS 67C.139. Two (2) members of the board of trustees shall be elected by the members of the firefighters of the district and shall be members of the district. Two (2) members of the board of trustees shall be property owners who own real or personal property which is subject to the fire protection tax pursuant to KRS 75.040, who personally reside in the district, and who are not active firefighters and shall be elected by the property owners of the district. Property owners voting to select representatives to the board of trustees shall have attained the age of eighteen (18). The county judge/executive of the county in which the greater part of the district is located shall, with the approval of the fiscal court, appoint three (3) members of the board of trustees. In counties containing a city of the first class, trustees appointed by the county judge/executive to serve in volunteer fire prevention districts shall reside within the boundaries of that county. In counties governed by a consolidated local government, trustees appointed by the mayor to serve in volunteer fire prevention districts shall reside within the boundaries of the consolidated local government. At the first election held after the district is formed, one (1) firefighter shall be elected to serve on the board of trustees for a period of one (1) year and one (1) for a period of three (3) years, and one (1) nonfirefighter property owner shall be elected to serve on the board of trustees for a period of two (2) years and one (1) for a period of four (4) years. On the expiration of the respective terms, the successor to each shall have the same qualifications as his or her predecessor and shall be elected for a term of four (4) years. The original appointed members of the board of trustees shall be appointed for terms of one (1), two (2), and three (3) years respectively. On the expiration of the respective terms, the successors to each shall be appointed for a term of three (3) years. Upon the establishment of a consolidated local government, incumbent members shall continue to serve until the expiration of their current term of office. In the event of a vacancy in the term of an appointed or elected trustee, the county judge/executive shall appoint with the approval of the fiscal court a trustee for the remainder of the term, except in a county containing a consolidated local government. In a county containing a consolidated local government, the mayor pursuant to the provisions of KRS 67C.139 shall appoint a trustee for the remainder of the term.
- (b) An appointed trustee may be removed from office as provided by KRS 65.007.
- (c) No person shall be an elected trustee who, at the time of his or her election, is not a citizen of Kentucky and has not attained the age of twenty-one (21).
- (d) Unless otherwise provided by law, an elected firefighter trustee may be removed from office by the mayor of a consolidated local government, or in a county not containing a consolidated local government, by the county judge/executive of the county in which the greater part of the district is located. An elected firefighter trustee may be removed after a hearing with notice as required by KRS Chapter 424, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The hearing shall be initiated and chaired by the county judge/executive of a county or the mayor of a consolidated local

government, who shall prepare a written statement setting forth the reasons for removal. The trustee to be removed shall be notified of his or her proposed removal and the reasons for the proposed removal by registered mail sent to his or her last known address at least ten (10) days prior to the hearing. The person proposed to be removed may employ counsel to represent him or her. A record of the hearing shall be made by the county judge/executive or mayor respectively.

(e) The removal of an elected firefighter trustee of a fire protection district shall be subject to the approval of the fiscal court of the county in which the greater part of the district is located in those counties not containing a consolidated local government or the legislative council in a county containing a consolidated local government.

(f) An elected firefighter trustee removed pursuant to paragraphs (c) and (d) of this subsection may appeal, within ten (10) days of the rendering of the decision of the fiscal court or legislative council, respectively, to the Circuit Court of the county in which the greater part of the district is located. The scope of the appeal shall be limited to whether the county judge/executive, mayor, legislative council, or the fiscal court respectively, abused their discretion in removing the trustee.

(2) The elective offices of members of the board of trustees shall be filled by an election to be held once each year on the fourth Saturday of June between the hours of 11:00 a.m. and 2:00 p.m. The polls shall be located at the principal fire house in the district. The date, time, and place of the election shall be advertised in accordance with KRS 424.120. This notice shall be advertised at least thirty (30) days prior to the election date and shall include the names and addresses of the candidates to be voted on for each position of trustee. In lieu of the published notice for the election of the firefighter trustees, written notice containing the information required to be advertised may be sent by first-class mail to each member of the firefighters of the fire protection district or volunteer fire department district, addressed to the firefighter at his or her residence, at least thirty (30) days prior to the election date. The nominations for candidates for trustees both representing the firefighters and the property owners residing in the district shall be made in accordance with the bylaws of the department. The terms of the three (3) trustees appointed by the county judge/executive or mayor shall start at the same time as the terms of the elected trustees. On or before the beginning of the second fiscal or calendar year, depending on which basis the fire protection or volunteer fire department district is being operated, after June 16, 1966, all departments organized prior to June 16, 1966, shall increase their boards of trustees from three (3) to seven (7) members and elect the elective members in the manner set forth herein.

(3) The trustees shall elect from their number a chairman, a secretary, and a treasurer, the latter of whom shall give bond in an amount as shall be determined by the county judge/executive of the county in which the greater part of the fire protection district is located or the mayor in a consolidated local government, conditioned upon the faithful discharge of the duties of his or her office, and the faithful accounting for all funds which may come into his or her possession as treasurer. The premiums on the bonds shall be paid out of the funds of the district.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 92, sec. 1, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 346, sec. 76, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 348, sec. 1, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 127, sec. 2, effective July 15, 1996; and ch. 136, sec. 2, effective July 15, 1996. -- Amended 1980 Ky. Acts ch. 18, sec. 5, effective July

15, 1980. -- Amended 1978 Ky. Acts ch. 175, sec. 1, effective June 17, 1978; and ch. 384, sec. 20, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 20, sec. 6, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 336, sec. 1. -- Created 1966 Ky. Acts ch. 97, sec. 2.

75.040 Power to operate fire department and emergency ambulance service -- Activities of district -- Levy, assessment, and collection of tax to defray expenses -- Supplemental emergency medical services.

- (1)
 - (a) Upon the creation of a fire protection district or a volunteer fire department district as provided in KRS 75.010 to 75.031, the trustees of a district are authorized to establish and operate a fire department and emergency ambulance service as provided in subsection (6) of this section and to levy a tax upon the property in the district, including that property within cities in a fire protection district or a volunteer fire department district, as provided by KRS 75.010(2) provided that the property is subject to county tax, and not exceeding ten cents (\$0.10) per one hundred dollars (\$100) of valuation as assessed for county taxes, for the purpose of defraying the expenses of the establishment, maintenance, and operation of the fire department or to make contracts for fire protection for the districts as provided in KRS 75.050. The rate set in this subsection shall apply, notwithstanding the provisions of KRS 132.023.
 - (b) A fire protection district or a volunteer fire department district that establishes and operates an emergency ambulance service and is the primary service provider in the district may levy a tax upon the property in the district not to exceed twenty cents (\$0.20) per one hundred dollars (\$100) of valuation as assessed for county taxes, for the purpose of defraying the expenses of the establishment, maintenance, and operation of the fire department and emergency ambulance service or to make contracts for fire protection for the districts as provided in KRS 75.050. The rate set in this subsection shall apply, notwithstanding the provisions of KRS 132.023.
- (2) The establishment, maintenance, and operation of a fire protection district or volunteer fire department district shall include, but not be limited to, the following activities:
 - (a) Acquisition and maintenance of adequate fire protection facilities;
 - (b) Acquisition and maintenance of adequate firefighting equipment;
 - (c) Recruitment, training, and supervision of firefighters;
 - (d) Control and extinguishment of fires;
 - (e) Prevention of fires;
 - (f) Conducting fire safety activities;
 - (g) Payment of compensation to firefighters and providing the necessary support and supervisory personnel;
 - (h) Payment for reasonable benefits or a nominal fee to volunteer firefighters when benefits and fees do not constitute wages or salaries under KRS Chapter 337 and are not taxable as income to the volunteer firefighters under Kentucky or federal income tax laws; and
 - (i) The use of fire protection district equipment for activities which are for a public purpose and which do not materially diminish the value of the equipment.
- (3) The property valuation administrator of the county or counties involved, with the cooperation of the board of trustees, shall note on the tax rolls the taxpayers and valuation of the property

subject to such assessment. The county clerk shall compute the tax on the regular state and county tax bills in such manner as may be directed by regulation of the Department of Revenue.

(4) Such taxes shall be subject to the same delinquency date, discounts, penalties, and interest as are applied to the collection of ad valorem taxes and shall be collected by the sheriff of the county or counties involved and accounted for to the treasurer of the district. The sheriff shall be entitled to a fee of one percent (1%) of the amount collected by him.

(5) Nothing contained in this subsection shall be construed to prevent the trustees of a fire protection district located in a city or county which provides emergency ambulance service from using funds derived from taxes for the purpose of providing supplemental emergency medical services so long as the mayor of the city or the county judge/executive of the county, as appropriate, certifies to the trustees in writing that supplemental emergency medical services are reasonably required in the public interest. For the purposes of this subsection, "supplemental emergency medical services" may include EMT, EMT-D, and paramedic services rendered at the scene of an emergent accident or illness until an emergency ambulance can arrive at the scene.

(6) The trustees of those fire protection districts or volunteer fire department districts whose districts or portions thereof do not receive emergency ambulance services from an emergency ambulance service district or, whose districts are not being served by an emergency ambulance service operated or contracted by a city or county government, may develop, maintain, and operate or contract for an emergency ambulance service as part of any fire department created pursuant to this chapter. No taxes levied pursuant to subsection (1) of this section shall be used to develop, maintain, operate, or contract for an emergency ambulance service until the tax year following the year the trustees of the district authorize the establishment of the emergency ambulance service.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 85, sec. 98, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 151, sec. 1, effective July 13, 2004. -- Amended 1996 Ky. Acts ch. 127, sec. 3, effective July 15, 1996. -- Amended 1986 Ky. Acts ch. 195, sec. 1, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 384, sec. 21, effective June 17, 1978. -- Amended 1972 Ky. Acts ch. 127, sec. 1. -- Amended 1964 Ky. Acts ch. 184, sec. 4. -- Amended 1956 Ky. Acts ch. 207, sec. 20. -- Amended 1954 Ky. Acts ch. 212, sec. 1. -- Created 1944 Ky. Acts ch. 133, sec. 4.

Legislative Research Commission Note (7/15/96). The prior reference to "subsection (4) of this section" in subsection (1) of this statute has been changed to "subsection (6) of this section" to reflect the renumbering of that prior subsection in 1996 Ky. Acts ch. 127, sec. 3. It also appears from context that the phrase "contained in this subsection" at the beginning of subsection (5) of this statute should read "contained in this section."

75.042 Expenditure of unrefunded ad valorem taxes by fire district board of trustees permitted.

If ad valorem taxes have been collected under the provisions of KRS 75.015 or 75.040 when no taxes were due for the tax year beginning on January 1, 2005, moneys not refunded after the two (2) year period set out under the provisions of KRS 134.590 shall not be considered unclaimed property of the state and may be expended by the fire district board of trustees.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 37, sec. 3, effective June 26, 2007.

75.050 Contracts by fire units or districts, cities and counties, for fire protection.

Any fire protection district created as provided in KRS 75.010, and any fire protection district or fire prevention district hereafter created pursuant to present or future law, and any municipal corporation, volunteer fire department, volunteer fire prevention unit, or volunteer fire protection unit, may, through its governing body, make and enter into contracts with any other fire protection district, fire prevention district, municipal corporation, volunteer fire department, volunteer fire prevention unit, or volunteer fire protection unit, either within the same county or within an adjoining county in an area adjacent to the boundary line between the counties, for the furnishing or receiving of fire protection services for all property within the confines of the area included in and covered by the contract or contracts, where such fire protection is not otherwise provided by some division of government or governmental agency. Similar contracts may be made and entered into between any county and an adjoining county, or between any county and any one (1) or more municipalities or districts, departments or units of the character above mentioned, located either within the county or within an adjoining county in an area adjacent to the boundary line between the counties. The personnel and equipment of a contracting party, in going to and returning from a fire, or in answering and responding to a false fire alarm or call, and while endeavoring to extinguish fires within the area covered by the contract, shall be deemed and hereby is declared to be engaged in the exercise of a governmental function.

History: Amended 1950 Ky. Acts ch. 154, sec. 1. -- Created 1944 Ky. Acts ch. 133, sec. 5.

75.060 Status and compensation of firefighters serving outside limits of district or municipality.

All municipal firefighters, fire protection district firefighters, and volunteer fire department firemen, full-paid or volunteer, attending and serving at fires or doing fire prevention work outside the corporate limits of a municipality, fire protection district, or volunteer fire department district as provided in KRS 75.050, or area normally served by a volunteer fire department, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of their own municipality, fire protection district, or area normally served by a volunteer fire department, but full-paid firefighters shall receive no additional compensation and volunteer firemen shall receive only such compensation as may be provided for by ordinance or resolution in such cases, and all such full-paid firefighters and volunteer firemen shall be entitled to all benefits of any pension fund, in the same manner as if the firefighting or fire prevention work had been within the corporate limits of the municipality, or area normally served by a volunteer fire department.

Effective: June 17, 1978

History: Amended 1978 Ky. Acts ch. 164, sec. 11, effective June 17, 1978. -- Amended 1964 Ky. Acts ch. 184, sec. 5. -- Created 1944 Ky. Acts ch. 133, sec. 6.

75.070 No liability for damages when serving outside limits of district or municipality -- Fire departments as agents of Commonwealth.

(1) A municipal fire department, fire protection district fire department, and volunteer fire department and the personnel of each, answering any fire alarms, performing fire prevention services, or other duly authorized emergency services inside and outside of the corporate limits of its municipality, fire protection district, or area normally served by a volunteer fire department, shall be considered an agent of the Commonwealth of Kentucky, and acting solely and alone in a governmental capacity, and such municipality, fire protection district, or area normally served by a volunteer fire department, shall not be liable in damages for any omission or act of commission or negligence while answering an alarm, performing fire prevention services, or other duly authorized emergency services.

(2) No municipal fire department, fire protection district fire department or volunteer fire department answering any fire alarms, performing fire prevention services or volunteer fire department services inside the corporate limits of the district shall be liable in damages for any omission or act of commission or negligence while answering or returning from any fire or reported fire, or doing or performing any fire prevention work under and by virtue of this chapter and said fire departments shall be considered agents of the Commonwealth of Kentucky, and acting solely and alone in a governmental capacity.

History: Amended 1964 Ky. Acts ch. 184, sec. 6. -- Amended 1956 Ky. Acts ch. 207, sec. 21. -- Created 1944 Ky. Acts ch. 133, sec. 7.

75.080 Erection of fire hydrants.

The trustees of any fire protection district wherein water pipes have been constructed and are maintained in the public ways thereof may by resolution duly adopted cause the erection of fire hydrants and attachments to the water pipes in the public ways, after the trustees have made a written contract for water to be furnished for use in the hydrants. The cost of such erection and attachments shall be apportioned by the trustees against the owners of the property fronting the public ways in which the fire hydrants are erected, by any equitable mode of apportionment which the board of trustees prescribes in the resolution ordering the erection of the fire hydrants and a lien shall exist against the property against which the apportionment runs for the cost of such improvement in the amount of such apportionment and interest thereon at the rate of six percent (6%) per annum. The lien is enforceable by proceedings in court. The erection and installation of fire hydrants may be under contract let to the lowest and best bidder after advertisement by publication pursuant to KRS Chapter 424.

History: Amended 1966 Ky. Acts ch. 239, sec. 26. -- Amended 1964 Ky. Acts ch. 184, sec. 7. -- Created 1944 Ky. Acts ch. 133, sec. 8.

75.100 Definitions for KRS 75.100 to 75.260.

As used in KRS 75.100 to 75.260, unless the context requires otherwise:

- (1) "Chairman" means the chairman of the board of trustees of a fire protection district organized under the provisions of KRS 75.010 to 75.080, or the chairman of the governing board of a volunteer fire department.
- (2) "Fire protection district" means fire districts organized under KRS 75.010 to 75.080.
- (3) "Board" means the board of trustees of a fire protection district organized under KRS 75.010 to 75.080 and the governing board of a volunteer fire department.
- (4) "Fire department" means the officers, firefighters, and clerical or maintenance employees, including the chief and assistant chief of the department.
- (5) "Chief" means the chief of the fire department of a fire protection department organized under KRS 75.010 to 75.080 and of a volunteer fire department.
- (6) "Employees" means all persons employed, and paid wages, salary, or other compensation for services performed, by the board of trustees of a fire protection district organized under KRS 75.010 to 75.080 and of a volunteer fire department. The term "employees" does not include any individual who is a volunteer as defined in subsection (14) of this section.
- (7) "Member" shall include the chief and all officers; all firefighters, including volunteer, paid, regular, and special firefighters; and all employees of a fire department, a fire protection district, or of a volunteer fire department.
- (8) "Salary" and "wages" mean any compensation received by an employee by reason of his employment for services performed for a fire protection district or volunteer fire department.
- (9) "Suspension" means the separation of an employee from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure.
- (10) "Dismissal" means the discharge of an employee by lawful authority.
- (11) "Trustees" means the board of trustees of a fire protection district and of a volunteer fire department.
- (12) "Regular firefighters" means all firefighters who are members of a fire protection district, except for special firefighters appointed by the chairman of the board of trustees pursuant to KRS 75.110.
- (13) "Paid firefighters" means all firefighters who are employees of the fire protection district or volunteer fire department district.
- (14) "Volunteer" means any person who is a member of a fire protection district or volunteer fire department who volunteers to provide services for the fire protection district or volunteer fire department, if the individual receives no salary, wages, or other compensation for services performed, or if the individual is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered, and the services are not the same type of

services which the individual is employed to perform for the fire protection district or volunteer fire department.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 127, sec. 4, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 43, sec. 10, effective July 15, 1994. -- Amended 1978 Ky. Acts ch. 164, sec. 12, effective June 17, 1978. -- Amended 1964 Ky. Acts ch. 184, sec. 8. -- Created 1956 Ky. Acts ch. 207, sec. 1.

75.110 Appointment of special firefighters -- Rules -- Powers.

(1) The chairman may, if in his discretion there is a case of need, appoint special firefighters to do special duties at any place within the limits of the fire protection district, on terms he deems proper.

(2) These special firefighters shall be governed by such rules as the board may provide, and be given the powers the board may provide, including the powers enumerated in KRS 75.160 in the discretion of the board; if rules are not provided they shall be deemed to have the powers and duties of regular firefighters.

Effective: June 17, 1978

History: Amended 1978 Ky. Acts ch. 164, sec. 13, effective June 17, 1978. -- Amended 1964 Ky. Acts ch. 184, sec. 9. -- Created 1956 Ky. Acts ch. 207, sec. 2.

75.120 Board to control fire department and property -- Appointment of fire chief and members of fire department -- Compensation -- Volunteer firemen -- Reduction of personnel.

(1) The board shall control the fire department or departments within their district and the property and equipment in these departments.

(2) The board may appoint a chief of the fire department or departments and all subordinates and the number of members in the fire departments shall be determined by the board in their sole discretion. The board shall, by resolution, fix the salaries of all employees of the fire department, provide for their payment and for the payment of other expenses of the fire protection district. The board may, in their sole discretion, appoint volunteer firemen and fix, by resolution, their compensation, if any, and provide for payment of this compensation. The board may likewise reduce the number of employees of their district so long as their action is not capricious or arbitrary.

Effective: February 28, 1956

History: Created 1956 Ky. Acts ch. 207, sec. 3, effective February 28, 1956.

75.130 Discipline of members and employees.

(1) Except as provided in subsection (5) of this section no member or employee of a fire protection district shall be reprimanded, dismissed, suspended, or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination, or violation of law or of the rules adopted by the board of trustees of the fire protection district, and only after charges are preferred and a hearing conducted as provided in this section.

(2) Any person may file charges against a member or employee of a fire protection district by filing them with the secretary of the board of trustees and by delivering or mailing the charges to the principal fire house in the fire protection district. The secretary shall immediately communicate the charges to the board of trustees by mailing or delivering a copy of the charges to each member of the board of trustees within seven (7) days of receipt of the charges at the principal fire house. The chairman of the board of trustees shall, after conducting or having conducted any inquiry or investigation which may be necessary, determine if probable cause appears. The chairman shall prefer charges to the board of trustees against any member or employee against whom probable cause exists, of conduct justifying the dismissal or punishment of the member or employee. If probable cause does not exist, the chairman shall dismiss the charges. All charges shall be written and shall set out clearly the charges made. The person filing the charges may withdraw them at any time prior to the conclusion of the hearing. The charges may then be dismissed.

(3) Charges preferred by the chairman of the board of trustees shall be heard by either the full board or a committee consisting of at least three (3) members of the board of trustees appointed by the chairman. At the hearing all charges shall be considered traversed and put in issue, and the trial shall be confined to matters related to the issues presented. Within forty-five (45) days after the charges have been preferred by the chairman to the board of trustees, that body, or a committee consisting of at least three (3) members of the board of trustees appointed by the chairman, shall proceed to hear the charges. At least ten (10) days before the hearing the member or employee accused shall be served personally or by registered mail with a copy of the charges and a statement of the day, place, and hour at which the hearing of the charges will begin. The person accused may, in writing, waive the service of charges and demand trial within thirty (30) days after the charges are preferred to the board of trustees.

(4) The board of trustees of the fire protection district may summon and compel attendance of witnesses at hearings by subpoena issued by the secretary of that body and served upon the witnesses by any officer authorized to serve court subpoenas. If any witness fails to appear in response to a summons, or refuses to testify concerning any matter on which he may lawfully be interrogated, any District Judge, on application of the board of trustees, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the District Court. The member or employee accused may have subpoenaed any witnesses he may desire, upon furnishing their names to the secretary of the board

of trustees. The written records of the charges, the hearing, if held, and any other actions or decisions of the board of trustees on the charges shall be kept as an open public record and maintained as required by KRS Chapter 61.

(5) When the board of trustees or the chief of the fire protection district has probable cause to believe a member or employee of a fire protection district has been guilty of conduct justifying dismissal or punishment, the board or the chief may suspend the member or employee from duty or from both pay and duty, pending trial, and the member or employee shall not be placed on duty, or allowed pay, until the charges are heard. If the member is suspended, there shall be no continuances granted without the consent of the member or employee accused. If the member suspended is a paid firefighter or an employee, the hearing on the charges shall be conducted within fourteen (14) days after the charges have been preferred by the chairman of the board of trustees.

(6) The board of trustees of the fire protection district shall fix the punishment of a member or employee of a fire protection district found guilty, by a reprimand, suspension for any length of time not to exceed six (6) months, by reducing the grade if the accused is an officer, or by combining any two (2) or more of those punishments, or by dismissal as a member or employee of the fire protection district.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 127, sec. 5, effective July 15, 1996. -- Created 1956 Ky. Acts ch. 207, sec. 4, effective February 28, 1956.

75.140 Appeals of disciplinary actions.

(1) Any member or employee of a fire protection district found guilty by the board of trustees of the fire protection district of any charge, as provided by KRS 75.130, may appeal to the Circuit Court of the county in which the fire protection district is located, but the enforcement of the judgment of the fire protection district shall not be suspended pending appeal. The notice of the appeal shall be filed not later than thirty (30) days after the date the board of trustees of the fire protection district makes its determination on the charge.

(2) Upon request of the accused, the secretary of the board of trustees of the fire protection district shall file a certified copy of the charges and the judgment of the board of trustees in the Circuit Court. Upon the transcript being filed, the case shall be docketed in the Circuit Court and tried as an original action.

(3) If the secretary of the board of trustees fails to certify the transcript to the Circuit Court within thirty (30) days after the request is made, the party aggrieved may file an affidavit in the Circuit Court setting out as fully as possible the charges made, the time of the hearing, and the judgment of the board of trustees of the fire protection district, together with a statement that demand for transcript was made upon the secretary of the board of trustees more than thirty (30) days before the filing of the affidavit. Upon the filing of the affidavit in the Circuit Court, the case shall be docketed and the Circuit Court may compel the filing of the transcript by the secretary of the board of trustees by entering the proper mandatory order, and by fine and imprisonment for contempt. The appeal shall have precedence over other business, and be determined speedily.

(4) An appeal will lie from the judgment of the Circuit Court to the Court of Appeals as in other cases.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 127, sec. 6, effective July 15, 1996. -- Created 1956 Ky. Acts ch. 207, sec. 5, effective February 28, 1956.

75.1 Political activities of members.

(1) No person shall be appointed a member of the fire department in fire protection districts on account of any political service, contribution, sentiment, or affiliation. No member shall be dismissed, suspended, or reduced in grade or pay for any political opinion.

(2) Members and employees of any fire protection district, while off duty and out of uniform, shall be entitled to:

- (a) Place political bumper stickers on their privately owned vehicles;
- (b) Wear political buttons;
- (c) Contribute money to political parties, political candidates and political groups of their choice;
- (d) Work at the polls on election days;
- (e) Aid in the registration or purgation of voters;
- (f) Become members of political groups; and
- (g) Hold office in political groups and carry out the mandates of that group.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 127, sec. 7, effective July 15, 1996. -- Created 1956 Ky. Acts ch. 207, sec. 6, effective February 28, 1956.

75.160 Attendance of chief at board meetings -- Definition of chief -- Members as peace officers.

(1) The chief of the fire department in fire protection districts shall attend all sessions of the board, except executive sessions, and he shall execute all the orders of the board. Whenever "chief" is used in KRS 75.100 to 75.260, it shall include the assistant chief when the chief is not on duty.

(2) The regular members of the fire department in fire protection districts, except volunteer firemen, shall have the same powers of arrest as now given by law to sheriffs of this Commonwealth and they are hereby expressly declared conservators of the public peace whose duties, in addition to their other prescribed duties, are to conserve the peace, enforce all laws and preserve order, and they shall have and are hereby expressly given the same right and the same power to arrest, search and seize as is now given by law to sheriffs of this Commonwealth, and they shall be at all times subject to the orders of the county judge/executive in which the fire district lies while enforcing the provisions of this section. Provided, however, that members of said fire departments shall not have the power to serve subpoenas, summonses and notices in civil cases and they shall receive no fees for performing any of the duties prescribed in this section as pertains to powers of law enforcement. The members shall constitute a law enforcement agency in addition to the patrol and investigation functions of the sheriff and his deputies under KRS 75.150 to 75.170.

Effective: February 28, 1956.

History: Created 1956 Ky. Acts ch. 207, sec. 7, effective February 28, 1956.

75.170 Oath and bond of members.

(1) Each member of the fire department in fire protection districts shall, before entering upon the discharge of his various duties, take an oath before the county judge/executive of the county in which the greater part of the fire protection district is located or a notary public, to faithfully discharge his duties, and the oath shall be subscribed by the person taking it and filed in the minute book kept by the secretary of the board.

(2) Each member of the fire department in fire protection districts shall give such bond as the board may designate and with a surety as required by the board conditioned upon faithful performance of the member's duties.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 127, sec. 8, effective July 15, 1996. -- Created 1956 Ky. Acts ch. 207, sec. 8, effective February 28, 1956.

75.180 Duties and powers of chief and members -- Reimbursement of private owners for water used.

(1) The chief, assistant chief, or highest officer present at the fires answered by his department shall investigate their causes. He may examine witnesses, compel the testimony of witnesses, administer oaths, compel production of evidence and make arrests as provided in KRS 75.160. He may enter any building at all reasonable times for the purpose of examining the building if, in his opinion the building is in danger of fire. He shall report his findings, when requested, to the board, Kentucky Inspection Bureau, and state fire marshal.

(2) The chief of the fire department shall direct and control the operation of the fire department and the control of the members in the discharge of their duties. He, and members of the fire department, shall have access to and the use of all cisterns, fireplugs, the waters of the waterworks of private persons and cisterns of private persons for the purpose of extinguishing fires and shall have the power to examine these water supplies at all reasonable times to see that they are in condition for use in case of fire. The chief shall have control of all hose, buildings, engines and other equipment provided for the fire department under direction of the board, or those authorized by the board to exercise this direction, and shall perform such other duties prescribed by the board not inconsistent with law. Upon application within ten (10) days to the board, any owner of property where water is used for firefighting shall be reimbursed in a reasonable amount by the board for water used.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 69, effective July 15, 2010. -- Amended 1964 Ky. Acts ch. 184, sec. 10. -- Created 1956 Ky. Acts ch. 207, sec. 9.

75.240 Board minute book -- Contents -- Where kept -- Inspection.

The secretary of the board shall keep a minute book, appropriately bound and marked, in which the minutes of each meeting of the board shall be kept, together with all resolutions, tax levies, and other important material the board may designate. A copy of all material required to be kept by the secretary, shall be kept on file in the office of the clerk of the county in which the greater part of the fire protection district or volunteer fire department district lies. The public shall have the right to inspect the book and its contents at all times.

History: Amended 1964 Ky. Acts ch. 184, sec. 15. -- Created 1956 Ky. Acts ch. 207, sec. 15.

75.250 Board may employ counsel -- Duties -- Compensation -- Duties of county attorney.

(1) The board may, in its discretion, employ or retain a regularly licensed attorney to advise them on all matters pertaining to their duties and shall have the discretion to delegate such authority to said attorney not forbidden by law. Said attorney shall attend all meetings of the board, except executive sessions when the board does not desire his presence, whenever the board shall request him to attend and shall advise the board on all legal matters on which he is requested to give advice.

(2) In addition to the attorney provided for in subsection (1) of this section, the county attorney in the county in which the fire protection district lies shall advise and represent the board in all matters and on the occasions chosen by the board whenever the board so requests.

(3) The board may fix the salary or compensation of the attorney provided for in subsection (1) of this section, in their discretion.

Effective: February 28, 1956

History: Created 1956 Ky. Acts ch. 207, sec. 16, effective February 28, 1956.

75.255 Audits and financial reports.

With respect to audits and financial reports, the board of trustees of fire protection districts and volunteer fire department districts shall follow the procedures of KRS 65.065.

Effective: July 15, 1986

History: Amended 1986 Ky. Acts ch. 195, sec. 2, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 384, sec. 197, effective June 17, 1978. -- Created 1974 Ky. Acts ch. 298, sec. 1.

75.260 Compensation of board members -- Time and place of board meetings.

(1) The board may fix the respective salaries of its members on a per meeting basis not to exceed twenty-five dollars (\$25) per meeting and not to exceed one (1) meeting per month.

(2) The board shall meet at least once a month at a time and place designated by the board and all meetings, except executive meetings, shall be open to the public.

Effective: June 17, 1978

History: Amended 1978 Ky. Acts ch. 261, sec. 1, effective June 17, 1978. -- Created 1956 Ky. Acts ch. 207, sec. 17, effective February 28, 1956.

75.400 Definitions for KRS 75.400 to 75.460.

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

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

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 270, sec. 9, effective July 14, 2000. -- Created 1994 Ky. Acts ch. 43, sec. 1, effective July 15, 1994.

**75.410 Program for recognition and certification of volunteer fire department --
Authority for administrative regulations.**

(1) The commission shall promulgate administrative regulations in accordance with KRS Chapter 13A to create a program for recognition and annual certification of volunteer fire departments. The criteria for recognition and certification shall be consistent with the provisions of KRS 95A.262.

(2) In order to be recognized and certified, a volunteer fire department shall be organized pursuant to KRS 75.010, KRS 67.083, KRS Chapter 95, or KRS Chapter 273.

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

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 43, sec. 2, effective July 15, 1994.

75.420 Application for recognition of fire department -- Boundaries.

(1) The commission shall recognize all fire departments which comply with the provisions of KRS 75.410 and regulations promulgated in compliance therewith. Applications for recognition shall be made on forms provided by the commission. The department shall attach to the application an accurate map and a written description which delineates the boundaries of the area served by the department. The map and description shall also be filed with the county clerk of the county in which the department is located. If the boundaries extend into two (2) or more counties, the map and description shall be filed with the county clerk in each county in which a part of the department's service area is located.

(2) The boundaries between two (2) or more departments created pursuant to KRS Chapter 273 may be altered if the departments enter into a written agreement establishing the boundaries, and if a majority of the property owners in the affected area approve the new boundaries. A new map and written description of the altered boundaries shall be filed with the commission and with the county clerks in the affected counties.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 43, sec. 3, effective July 15, 1994

75.430 Annual report -- Financial statement -- Audit. (Effective January 1, 2011)

(1) Each recognized and certified fire department created pursuant to KRS Chapter 273 shall send a copy of its annual report as required by KRS 14A.6-010 to the commission at the time the report is filed with the Secretary of State.

(2) The governing body of each recognized and certified volunteer fire department created pursuant to KRS Chapter 273 which, for the year in question, receives from all sources or expends for all purposes less than one hundred thousand dollars (\$100,000) shall prepare a financial statement and submit it to the commission by July 31 of each year.

(3) The governing body of each recognized and certified volunteer fire department created pursuant to KRS Chapter 273 which, for the year in question, receives from all sources or expends for all purposes one hundred thousand dollars (\$100,000) or more shall prepare a financial statement and shall employ an independent certified public accountant or contract with the Auditor of Public Accounts to perform a review of the financial statement, and shall submit the reviewed statement to the commission by July 31 of each year.

Effective: January 1, 2011

History: Amended 2010 Ky. Acts ch. 151, sec. 124, effective January 1, 2011. -- Created 1994 Ky. Acts ch. 43, sec. 4, effective July 15, 1994.

75.440 Funds available to recognized and certified fire department -- Rights and responsibilities of department -- Fire chief.

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

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

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

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

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

(3) The officers and firefighters, whether paid or unpaid, of each fire department created pursuant to KRS Chapter 273 and recognized and certified by the commission shall select a chief. The appointment of the chief shall be subject to the approval of the governing board of the department. The chief shall establish a chain of command within the department. The chief, or the highest person available in the chain of command if the chief cannot be present, shall, subject to all state statutes as applicable, have the following rights and responsibilities:

(a) Authority to order the immediate evacuation of areas endangered by fire, a hazardous materials incident, or other impending disaster that constitutes a threat to life or property;

(b) Authority to be in charge of all fire ground operations at the scene of a fire or other emergency;

(c) Control of all department personnel while on duty; and

(d) Control of all equipment of the department.

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

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 43, sec. 5, effective July 15, 1994.

75.450 Fees for services -- Exemptions -- Response to all fires in jurisdiction required -- Mission statement -- Inclusion of fees on property tax bills -- Collection and distribution.

(1) A fire department which collects membership charges or subscriber fees for combatting fires or serving in other emergencies shall base its annual fee or charge on the level of protection offered.

(2) A fire department that responds to a fire or other emergency on the property of a nonmember or nonsubscriber may charge the following fees for services rendered:

(a) Up to five hundred dollars (\$500) for single family residential units; utility occupancies of two thousand (2,000) or fewer square feet; assembly and business occupancies having a capacity which does not exceed one hundred (100) persons; equipment; vehicles; and grass or woods fires; and

(b) Up to one thousand dollars (\$1,000) for multifamily residential units; assembly and business occupancies having a capacity exceeding one hundred (100) persons; storage occupancies; utility occupancies of more than two thousand (2,000) square feet; and all industrial, educational, or institutional occupancies; and

(c) Up to five hundred dollars (\$500) for responding to emergencies not covered in paragraphs (a) and (b) of this subsection, including response to high hazard occupancies as defined in KRS 198B.010. The department may be entitled to recover necessary and reasonable costs in excess of the five hundred dollar (\$500) limit based upon submission of a written itemized claim for the total costs incurred. Disputes involving fees in excess of the five hundred dollar (\$500) limit shall be submitted to arbitration by the commission.

(3) For the purposes of subsection (2)(a) and (b) of this section, the meaning of assembly, business, industrial, educational, and institutional occupancies shall be as defined in KRS 198B.010. The meaning of storage and utility occupancies shall be as defined in the Kentucky Building Code, Sections 311.1 and 312.1 respectively, promulgated pursuant to KRS 198B.050.

(4) Property owned by the Commonwealth of Kentucky and the federal government shall be exempt from charges.

(5) If more than one (1) department responds to a fire or other emergency, the fee shall be paid only to the department which is authorized to protect the property pursuant to KRS 75.440(2)(a).

(6) A fire department shall respond within its jurisdiction to all fires and to other emergencies for which it is responsible as set forth in its mission statement. A copy of each fire department mission statement shall be filed with the commission. A new department shall file its statement when it is incorporated. A department in existence on July 15, 1994, shall file its mission statement by July 1, 1995. A copy of the mission statement shall be posted in a conspicuous location in each station of the department, and shall be filed with the county clerk of each county in which the department has jurisdiction pursuant to KRS 75.440(2)(a). The mission statement

shall remain in effect until amended, and filed and posted by the fire department in the locations as required by this subsection.

(7) If a fire department collects membership charges or subscriber fees, the fiscal court may adopt an ordinance to require the annual membership charges or subscriber fees to be added to property tax bills. In any county where the fiscal court has adopted such an ordinance, the county clerk shall add the annual membership charges or subscriber fees to the tax bills of the affected property owners in a place separate from the bill of the fire district tax or fire subdistrict tax so that ratepayers can ascertain the amount of the membership charges or subscriber fees apart from the fire district tax.

(8) The membership charges or subscriber fees shall be collected and distributed by the sheriff to the appropriate fire departments in the same manner as the other taxes on the bill and unpaid fees or charges shall bear the same penalty as general state and county taxes. This shall be a lien on the property against which it is levied from the time of the levy.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 163, sec. 1, effective July 15, 2002. -- Created 1994 Ky. Acts ch. 43, sec. 6, effective July 15, 1994.

75.460 Payment by insurance company of property owner's bill from fire department -- Property owner's responsibility.

(1) If a property owner who is not a member or subscriber of the fire department which charges membership or subscriber fees experiences a fire, incident, or emergency that the department responds to, he may provide his insurance company with the billing statement from the fire department.

(2) All insurance companies paying a claim pursuant to subsection one (1) of this section shall make payment of the stated charge for service in the following manner:

(a) The insurance company may make the check or draft payable to both the affected property owner and the affected fire department; or

(b) The insurance company may make the check or draft payable solely to the affected fire department.

(3) If an insurance company makes a claim check or draft payable both to the property owner and the fire department, the property owner shall make payment to the fire department within thirty (30) days of receipt of the check or draft. If the claim check or draft is not sufficient to cover the charge levied by the fire department, the property owner shall be responsible for payment of the balance to the fire department.

(4) A property owner who is not a member or subscriber of the fire department who does not have fire insurance coverage shall be fully responsible for payment of all charges levied by a fire department for services rendered in response to a fire, incident, or emergency within thirty (30) days of the date of the response by the department, or within thirty (30) days of the date of an arbitration award rendered pursuant to KRS 75.450(2)(c). Payment to the fire department shall be in full, unless a written agreement has been reached between the fire department and the property owner to establish a payment schedule to satisfy all charges to the property owner.

(5) If payment for services rendered has not been received within sixty (60) days from the date of response, or within thirty (30) days of the date of an arbitration award rendered pursuant to KRS 75.450(2)(c), and if a payment schedule has not been established, a fire department may proceed in small claims court or in other appropriate court action to recover from the property owner all fees associated with the response, including attorney fees and court costs.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 43, sec. 7, effective July 15, 1994.

75.470 KRS 75.400 to 75.460 not to be construed to conflict with authority of other named agencies.

Nothing in KRS 75.400 to 75.460 shall be construed to conflict with or supersede the authority of the Natural Resources and the Environmental Protection Cabinet, pursuant to the provisions of KRS Chapter 149, over management of forestry areas, and KRS Chapter 224, over management of hazardous wastes, nor the authority of the Division of Emergency Management, pursuant to KRS Chapter 39, over response to disasters and emergencies.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 102, sec. 4, effective July 14, 2000. -- Created 1994 Ky. Acts ch. 43, sec. 8, effective July 15, 1994.

KRS

CHAPTER 95

95.710 Qualifications of members of police and fire departments.

To be eligible for appointment as a member of the police force or fire department of a city of the fourth or fifth class, except cities of the fourth class which have adopted KRS 95.761 to 95.784, a person must be able to read and write the English language intelligibly, and sober, moral and sagacious. In addition, a member of a police department in a city of the fourth or fifth class shall be at least twenty-one (21) years of age, and a member of a fire department of a city of the fourth or fifth class shall be at least eighteen (18) years of age. No person who has been convicted of a felony is eligible for appointment. After appointment no member shall interfere in any election.

Effective: July 19, 1985

History through 1968: Amended 1985 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 2, effective July 19, 1985. -- Amended 1982 Ky. Acts ch. 40, sec. 1, effective July 15, 1982. -- Amended 1976 Ky. Acts ch. 159, sec. 1, effective March 29, 1976. -- Amended 1968 Ky. Acts ch. 152, sec. 73. -- Amended 1954 Ky. Acts ch. 81, sec. 1. -- Amended 1944 Ky. Acts ch. 125, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3493, 3629a.

KRS

CHAPTER 95A

95A.010 Application of chapter.

(1) This chapter shall apply to the personnel of all fire departments in the state whether paid or unpaid, or both.

(2) Except as expressly provided in this chapter, nothing herein contained shall be deemed to limit the powers, rights, duties, and responsibilities of municipal or county governments, or the Firefighters' and Policemen's Civil Service Act.

Effective: June 17, 1978

History: Amended 1978 Ky. Acts ch. 164, sec. 50, effective June 17, 1978. -- Amended 1972 Ky. Acts ch. 155, sec. 1; and ch. 366, sec. 1. -- Created 1970 Ky. Acts ch. 171, sec. 11.

Legislative Research Commission Note. Acts 1972, ch. 366, § 1 also amended this section but did not conflict with the Acts 1972, ch. 155, § 1 amendment, so Acts 1972, ch. 366, § 1 was incorporated into Acts 1972, ch. 155, § 1.

95A.020 Commission on Fire Protection Personnel Standards and Education.

(1) There is hereby created the Commission on Fire Protection Personnel Standards and Education, hereinafter called "commission," which shall be attached to the Kentucky Community and Technical College System.

(2) The commission shall be composed of seventeen (17) members, residents of the State of Kentucky, appointed by the Governor. These members should be persons well qualified by experience or education in the field of fire protection or related fields.

(3) The membership of the commission shall include:

- (a) Two (2) volunteer firefighters, neither of which is a fire chief or assistant fire chief;
- (b) Three (3) paid firefighters, at least one (1) of whom shall be a full-time paid county firefighter and none of whom shall be a fire chief or assistant fire chief;
- (c) One (1) trustee of a volunteer fire department or fire district who is not a volunteer firefighter;
- (d) Two (2) fire chiefs of paid fire departments;
- (e) One (1) licensed physician;
- (f) Two (2) fire chiefs of volunteer fire departments;
- (g) One (1) representative of the Kentucky Industrial Response Committee;
- (h) One (1) representative of the Division of Emergency Management of the Department of Military Affairs;
- (i) One (1) mayor of a Kentucky city;
- (j) One (1) county judge/executive;
- (k) One (1) representative of Kentucky industry or business enterprise; and
- (l) One (1) representative of the general public.

The chancellor for the Technical Institutions' Branch of the Kentucky Community and Technical College System and the state fire marshal, or their designees, shall serve as ex officio members of the commission. Their designees shall have full voting rights. Appointive members shall be appointed for a term of four (4) years. Any member chosen by the Governor to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he is chosen to succeed.

(4) The commission shall:

- (a) Meet at least six (6) times per year;
- (b) Annually elect a chair, vice chair, and secretary in accordance with KRS 95A.030; and

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

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

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

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

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 125, sec. 1, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 102, sec. 5, effective July 14, 2000; and ch. 270, sec. 1, effective July 14, 2000. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 42, effective May 30, 1997. -- Amended 1994 Ky. Acts ch. 414, sec. 3, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 27, sec. 7, effective March 2, 1992; and ch. 167, sec. 1, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 418, sec. 1, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 303, sec. 1, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 126, sec. 1, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 117, sec. 63, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 170, sec. 1. -- Amended 1972 Ky. Acts ch. 366, sec. 2. -- Created 1970 Ky. Acts ch. 171, sec. 2.

Legislative Research Commission Note (7/14/92). This section was amended by two 1992 Acts. Where those Acts are not in conflict, they have been compiled together. Where a conflict exists, the Act which was last enacted by the General Assembly prevails, pursuant to KRS

95A.030 Officers -- Quorum.

At the first meeting of the commission after January 1 of each year, the commission shall elect a chair, vice chair, and secretary from among the appointed members to fill regular terms. A majority of the members shall constitute a quorum.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 125, sec. 2, effective July 15, 2010. -- Amended 1994 Ky. Acts ch. 97, sec. 1, effective July 15, 1994. -- Created 1970 Ky. Acts ch. 171, sec. 5.

95A.040 Powers of commission -- Firefighter physical agility test -- Administrative regulations.

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

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

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

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

(d) Administrative regulations to require that each volunteer firefighter be able to read, write and understand the English language, is a person of sobriety and integrity, is and has been an orderly, law-abiding citizen, is a citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States, and has reached the age of eighteen (18).

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

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

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

(c) After June 25, 2009, the commission shall establish procedures for individual firefighter candidates to voluntarily take the candidate physical agility test. The commission shall also establish procedures for fire departments listed under paragraph (a) of this subsection to voluntarily require firefighter candidates hired by them to have successfully completed the

candidate physical agility test. The procedures in this paragraph shall be established by administrative regulation.

(d) The candidate physical agility test shall be designed to assess a candidate's ability to handle the physical demands of fighting fires and shall include exercises that simulate the most common tasks involved in fire suppression. These exercises shall include but are not limited to stair climb, hose drag, equipment carry, ladder raise and extension, forcible entry, search, rescue, ceiling breach, and pull.

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

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

(3) The commission shall have the authority to:

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

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

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

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

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

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 125, sec. 3, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 41, sec. 1, effective June 25, 2009. -- Amended 2008 Ky. Acts ch. 77, sec. 2, effective July 15, 2008. -- Amended 2000 Ky. Acts ch. 270, sec. 2, effective July 14, 2000; and ch. 386, sec. 1, effective July 14, 2000. -- Amended 1974 Ky. Acts ch. 170, sec. 2. -- Created 1970 Ky. Acts ch. 171, secs. 3 and 7

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

In carrying out its duties and responsibilities, the commission shall have the following additional duties:

- (1) To meet at times and places in the State of Kentucky it deems proper. Meetings shall be called by the chairman upon his own motion, or upon the written request of a majority of the members;
- (2) To contract with other agencies, public or private, or persons, it deems necessary for the rendition and affording of the services, facilities, studies, and reports it may require to cooperate with city, county, state, and federal agencies in training programs; and
- (3) To promulgate reasonable administrative regulations relating to fire protection personnel.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 270, sec. 3, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 97, sec. 2, effective July 15, 1994. -- Amended 1978 Ky. Acts ch. 117, sec. 64, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 170, sec. 3. -- Created 1970 Ky. Acts ch. 171, sec. 8.

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

(1) The Kentucky Community and Technical College System shall conduct or contract for the delivery of all certificate, diploma, or associate degree programs approved by the commission.

(2) The Kentucky Community and Technical College System shall provide the fiscal and administrative support requested by the commission, through the chancellor's Office of Technical Education and Workforce Development.

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

(4) The commission shall establish the proposed budget for all administrative, fire rescue training functions, and other activities in which the commission is authorized to engage, including, but not limited to, salaries, equipment, maintenance, utilities, insurance, and other matters. The commission shall submit the budget to the Kentucky Community and Technical College System, which shall submit the budget, through appropriate channels, for inclusion in the executive branch budget. The Kentucky Community and Technical College System shall not change the proposed budget which is submitted to it but may comment thereon in writing, with copies sent to the commission and to all agencies who receive the proposed budget during the budget process.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 77, sec. 3, effective July 15, 2008. -- Created 2000 Ky. Acts ch. 270, sec. 8, effective July 14, 2000.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.

95A.070 Payments for insurance coverage of firefighters permanently and totally disabled in line of duty -- Documentation -- Reduction in payments if firefighter has other coverage -- Procedure upon termination of disability or coverage -- Administrative regulations -- Penalty for providing false information -- Proration if insufficient funds.

(1) If a firefighter as defined in KRS 61.315 is, before, on, or after July 15, 2002, permanently and totally disabled as defined in KRS 342.0011 as a direct result of activities in the line of duty, then the firefighter shall be entitled to receive a monthly payment to be paid by the State Treasurer from the general fund appropriation to the police and firefighter-life insurance category contained in miscellaneous appropriations of the state/executive branch budget of:

- (a) Two hundred dollars (\$200) to help defray the costs of life insurance; and
- (b) Two hundred dollars (\$200) to help defray the costs of health insurance.

(2) In order to receive the monthly payment, the firefighter must present to the Commission on Fire Protection Personnel Standards and Education:

- (a) A written statement from the fire chief of the fire department under whose command the firefighter was at the time of injury stating the fact that the firefighter was on active duty and on assignment with that fire department when the injury occurred; and
- (b) A written statement from at least two (2) licensed and practicing physicians stating that the member is totally and likely to be permanently disabled as defined in KRS 342.0011; and
- (c) Proof, in a form satisfactory to the commission, that the firefighter has either or both active life and health insurance policies.

(3) (a) If a firefighter, either through a settlement of any kind or through any other source, has life insurance provided at no cost, then the firefighter shall not be eligible to receive the life insurance payment described in subsection (1)(a) of this section. If a firefighter receives partial payment of life insurance, and the portion of the payment that the firefighter is responsible for is less than the amount stated in subsection (1) of this section, then the firefighter shall only receive that portion of the payment to pay for the cost of the insurance.

(b) If a firefighter, either through a settlement of any kind or through any other source, has health insurance provided at no cost, then the firefighter shall not be eligible to receive the health insurance payment described in subsection (1)(b) of this section. If a firefighter receives partial payment of health insurance, and the portion of the payment that the firefighter is responsible for is less than the amount stated in subsection (1) of this section, then the firefighter shall only receive that portion of the payment to pay for the cost of the insurance.

(4) If the firefighter should no longer be considered permanently and totally disabled as defined in KRS 342.0011, or if either or both life and health insurance policies are terminated, then the firefighter shall within thirty (30) days of that determination notify the Commission on Fire Protection Personnel Standards and Education, in writing, of that fact or facts. The commission shall then terminate the appropriate subsequent payments to that firefighter. A firefighter may

continue to receive payments for one (1) type of insurance as long as the firefighter is still permanently and totally disabled and the insurance policy is active. If the firefighter fails to notify the commission within thirty (30) days and receives subsequent payments under this section, the firefighter shall be responsible for repaying any payments provided to the firefighter under this section from the date that the firefighter was no longer considered permanently and totally disabled.

(5) The Commission on Fire Protection Personnel Standards and Education shall promulgate administrative regulations in accordance with the provisions of KRS Chapter 13A establishing procedures and criteria applicable to the administration of this section by December 31, 2002.

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

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

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 289, sec. 3, effective July 15, 2002.

95A.080 Certified volunteer firefighter identification program.

- (1) The Commission on Fire Protection Personnel Standards and Education shall implement a voluntary statewide certified volunteer firefighter identification program. The program shall issue a color photo non driver's identification card to all certified volunteer firefighters. The purpose of this identification card shall be solely as proof of a volunteer firefighter's claim to be a certified volunteer firefighter.
- (2)
 - (a) Application for a certified volunteer firefighter identification card or renewal of the identification card shall be on forms provided by the commission and accompanied by a statement from the commission that the applicant is a certified volunteer firefighter. The applicant shall provide proof that he or she is a citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States. The commission shall promulgate administrative regulations to establish the standards of proof for citizenship or legal status of an applicant.
 - (b) The card shall contain the certified volunteer firefighter's name, birth date, and address. The card shall not contain the certified volunteer firefighter's Social Security number.
 - (c) At the time of making the application for the identification card, the certified volunteer firefighter shall pay to the clerk a fee of five dollars (\$5). The clerk shall forward the five dollars (\$5) to the Commission on Fire Protection Personnel Standards and Education to cover the commission's costs with regard to the issuance of the identification card.
 - (d) The card shall expire every year on the certified volunteer firefighter's birthday.
- (3) The descriptive data and a photo image of the certified volunteer firefighter shall be stored by the commission and may be retrieved and used by public agencies subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. sec. 2721, may be used by the Kentucky Missing Persons Clearinghouse, and may also be obtained and used by news-gathering organizations.
- (4) The commission shall establish policies, procedures, and forms for both the application and the identification card by the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A.
- (5) The chief of the fire department shall be responsible for collecting identification cards from any volunteer member of the fire department or fire district who:
 - (a) Loses his or her certification as a firefighter;
 - (b) Is suspended from the fire department;
 - (c) Is no longer a member of the fire department; or
 - (d) Becomes an inactive member of the fire department.
- (6) The provisions of KRS 186.412 or any other statute relating to motor vehicle operator's licenses and nondriver identification cards to the contrary notwithstanding, the Commission on Fire Protection Personnel Standards and

Education may include the information required by this section on a nondriver identification card issued pursuant to KRS 186.412, subject to the following provisions:

- (a) The nondriver identification card issued to a volunteer firefighter pursuant to this section shall constitute the certified volunteer firefighter identification card;
- (b) The nondriver identification card issued to a volunteer firefighter shall be renewed annually as provided in this section;
- (c) A certified volunteer firefighter may hold a nondriver identification card certifying the holder as a certified volunteer firefighter and may hold a motor vehicle or motorcycle operator's license, or both, at the same time; and
- (d) A certified volunteer firefighter may hold a nondriver identification card certifying the holder as a certified volunteer firefighter and may hold a commercial driver's license at the same time.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 77, sec. 1, effective July 15, 2008. -- Created 2005 Ky. Acts ch. 151, sec. 1, effective June 20, 2005.

95A.200 Intention of General Assembly to assist local firefighters.

It is the intention of the General Assembly to assure that fire protection in the Commonwealth is continually strengthened, upgraded and attractive to highly qualified men and women who choose firefighting as a profession; and to retain qualified and experienced firefighters for the purpose of providing maximum protection and safety to the citizens of, and visitors to, this Commonwealth; and to offer a state monetary supplement for local firefighters while upgrading the educational and training standards of such firefighters.

Effective: July 15, 1980

History: Created 1980 Ky. Acts ch. 373, sec. 1, effective July 15, 1980.

95A.210 Definitions for KRS 95A.200 to 95A.300.

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

- (1) "Commission" means the Commission on Fire Protection Personnel Standards and Education established pursuant to KRS 95A.020.
- (2) "Fund" means Firefighters Foundation Program Fund.
- (3) "Local government" means any city, county, urban-county government, charter county government, unified local government, consolidated local government, or any combination thereof of the Commonwealth.
- (4) "Professional firefighter" means any member of a paid municipal fire department organized under KRS Chapter 95, 67A, or 67C, a fire protection district organized under KRS Chapter 75, or a county fire department created pursuant to KRS Chapter 67.
- (5) "Scheduled overtime" means work by a professional firefighter in excess of forty (40) hours per week which regularly recurs as part of an established work schedule.
- (6) "Unscheduled overtime" means work by a professional firefighter in excess of forty (40) hours per week which does not regularly recur as part of an established work schedule.
- (7) "Established work schedule" means a work schedule adopted by or required of a local government setting a recurring pattern for time on and off duty for professional firefighters employed by the local government. An established work schedule includes but is not limited to a schedule of twenty-four (24) consecutive hours on duty, followed by forty-eight (48) consecutive hours off duty.

Effective: March 20, 2009

History: Amended 2009 Ky. Acts ch. 33, sec. 1, effective March 20, 2009. -- Amended 1992 Ky. Acts ch. 381, sec. 3, effective July 14, 1992. -- Created 1980 Ky. Acts ch. 373, sec. 2, effective July 15, 1980

95A.220 Firefighters Foundation Program fund -- Funds accruing under KRS 42.190 and 136.392 -- Lapsing of certain funds -- Moneys appropriated.

(1) There is established the "Firefighters Foundation Program Fund" consisting of appropriations from the general fund of the Commonwealth of Kentucky, and insurance premium surcharge proceeds and earnings on the investments of those proceeds which accrue to this fund pursuant to KRS 42.190 and 136.392. The fund may also receive any other funds, gifts or grants made available to the state for distribution to local governments and volunteer fire departments in accordance with the provisions of KRS 95A.200 to 95A.300 and KRS 95A.262.

(2) All moneys remaining in this fund on July 1, 1982, and deposited thereafter, including earnings from their investment, shall be deemed a trust and agency account. Beginning with the fiscal year 1994-95, through June 30, 1999, moneys remaining in the account at the end of the fiscal year in excess of three million dollars (\$3,000,000) shall lapse, but moneys in the revolving loan fund established in KRS 95A.262 shall not lapse. On and after July 1, 1999, moneys in this account shall not lapse.

(3) Moneys in the fund are hereby appropriated by the General Assembly for the purposes provided in KRS 95A.200 to 95A.300.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 71, sec. 2, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 244, sec. 8, effective July 15, 1998; and ch. 510, sec. 8, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 97, sec. 3, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 381, sec. 4, effective July 14, 1992. -- Amended 1984 Ky. Acts ch. 300, sec. 9, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 246, sec. 5, effective April 1, 1982. -- Created 1980 Ky. Acts ch. 373, sec. 3, effective July 15, 1980

95A.230 Requirements for participation in fund.

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

- (1) Employs one (1) or more firefighters.
- (2) Pays every firefighter a minimum annual salary of eight thousand dollars (\$8,000).
- (3) Maintains the minimum educational requirement of a high school degree, or its equivalent as determined by the commission, for employment of firefighters on or after August 1, 1980. All firefighters employed prior to August 1, 1980, shall be deemed to have met requirements of this subsection.
- (4) Requires all firefighters employed on or after July 15, 1982, to successfully complete a basic training course of a minimum of four hundred (400) hours duration as mandated by the commission as to subject matter and number of hours for each subject, within one (1) year of the date of employment at a school or method certified or recognized by the commission.
- (5) Requires all firefighters, whether originally employed before or after August 1, 1980, to successfully complete in each calendar year an in-service training program appropriate to the firefighters rank and responsibility, of at least one hundred (100) hours duration at a school certified or recognized by the commission. This requirement shall be waived for the period of time that a professional firefighter is serving on active duty in the United States Armed Forces. This waiver shall be retroactive for professional firefighters from the date of September 11, 2001.
- (6) Requires compliance with all provisions of law applicable to local firefighters.
- (7) Requires compliance with all rules and regulations, appropriate to the size and location of the local fire department or fire prevention district, issued by the commission to facilitate the administration of the fund and further the provisions of KRS 95A.200 to 95A.300.

Effective: June 24, 2003

History: Amended 2003 Ky. Acts ch. 106, sec. 1, effective June 24, 2003. -- Amended 1982 Ky. Acts ch. 125, sec. 1, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 373, sec. 4, effective July 15, 1980

95A.240 Funds administered by commission.

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

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

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

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 270, sec. 4, effective July 14, 2000. -- Amended 1992 Ky. Acts ch. 381, sec. 5, effective July 14, 1992. -- Amended 1984 Ky. Acts ch. 327, sec. 1, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 125, sec. 2, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 373, sec. 5, effective July 15, 1980.

95A.245 Certification of program cost projections to Finance and Administration Cabinet.

Upon receipt of the written request by the Finance and Administration Cabinet for cost projections of the professional firefighters foundation program fund as prescribed in KRS 42.190, the administrator of the fund shall certify, within twenty-one (21) calendar days, in writing said projections to the Finance and Administration Cabinet.

Effective: April 1, 1982

History: Created 1982 Ky. Acts ch. 246, sec. 4, effective April 1, 1982.

95A.250 Supplemental payments and pension contributions to local governments, the Kentucky Community and Technical College Systems, and the Department of Military Affairs from fund.

- (1)
 - (a) Beginning July 1, 1982, an eligible local government shall be entitled to receive annually a supplement of two thousand seven hundred fifty dollars (\$2,750) for each qualified professional firefighter it employs, and beginning on July 1, 1999, an annual supplement of three thousand dollars (\$3,000) for each qualified professional firefighter it employs, plus an amount equal to the required employer's contribution on the supplement to the defined benefit pension plan, or to a plan qualified under Section 401(a) or Section 457 of the Internal Revenue Code of 1954 as amended.
 - (b) The employer's contribution to any of these plans on the supplement shall not exceed the required employer's contribution to the County Employees Retirement System pursuant to KRS Chapter 78 for the hazardous duty category. The pension contribution on the supplement shall be paid whether the professional firefighter entered the system under hazardous duty coverage or nonhazardous coverage.
 - (c) The local unit of government shall pay the amount received for retirement coverage to the appropriate retirement system to cover the required employer contribution on the supplement.
 - (d) Should the foundation program funds be insufficient to pay employer contributions to the system, then the total amount available for pension payments shall be prorated to each eligible government so that each receives the same percentage of required pension costs attributable to the supplement.
- (2)
 - (a) Each qualified professional firefighter, whose local government receives a supplement pursuant to subsection (1)(a) of this section, shall receive distribution of the supplement from that local government in twelve (12) equal monthly installments with his or her pay for the last pay period of each month. The monthly distribution shall be calculated by dividing the supplement amount set forth in subsection (1)(a) of this section by twelve (12).
 - (b) The supplement disbursed to a qualified professional firefighter pursuant to this section shall not be considered "wages" as defined by KRS 337.010(1)(c)1. and shall not be included in the hourly wage rate for calculation of overtime pursuant to KRS 337.285 for scheduled overtime. The supplement shall be included in the hourly wage rates for calculation of overtime for unscheduled overtime pursuant to KRS 337.285.
 - (c) To determine the addition to the hourly wage rate for calculation of overtime on unscheduled overtime, the annual supplement shall be divided by two thousand eighty (2,080). The overtime rate for unscheduled overtime shall be calculated by adding the quotient, which is the amount of the annual supplement divided by two thousand eighty (2,080), to the hourly wage rate and multiplying the total by one and one-half (1.5). The enhanced overtime rate shall be paid only for unscheduled overtime. Scheduled overtime shall be paid at one and one-half (1.5) times the regular hourly wage rate, excluding the supplement.
- (3) Beginning July 1, 2006:

(a) The Kentucky Community and Technical College System shall be entitled to receive annually a supplement equal to the amount determined in subsection (1) of this section for each Kentucky fire and rescue training coordinator employed by the Kentucky Community and Technical College System who meets the qualifications for individual firefighters required in KRS 95A.230, plus an amount equal to the required employer's contribution on the supplement to the defined benefit pension plan; and

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

Each fire and rescue training coordinator employed by the Kentucky Community and Technical College System and each civilian firefighter employed by the Department of Military Affairs, whose employer receives a supplement pursuant to this subsection, shall receive distribution from that employer of the supplement which his or her qualifications brought to the employer. The supplement distributed shall be in addition to his or her regular salary.

Effective: March 20, 2009

History: Amended 2009 Ky. Acts ch. 33, sec. 2, effective March 20, 2009. -- Amended 2006 Ky. Acts ch. 113, sec. 1, effective July 12, 2006. -- Amended 1998 Ky. Acts ch. 244, sec. 4, effective July 15, 1998; and ch. 510, sec. 4, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 339, sec. 1, effective July 15, 1996. -- Amended 1988 Ky. Acts ch. 11, sec. 15, effective July 15, 1988; and ch. 366, sec. 3, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 246, sec. 6, effective July 1, 1982. -- Created 1980 Ky. Acts ch. 373, sec. 6, effective July 15, 1980.

2010-2012 Budget Reference. See State/Executive Branch Budget, 2010 (1st Extra. Sess.) Ky. Acts ch. 1, Pt. I, K, 11, (1) at 53.

95A.260 Purposes for which assistance by fund may be used.

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

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

(b) Funds provided shall be distributed only to firefighters who have complied with subsections

(3) and (4) of KRS 95A.230.

(c) Each firefighter shall receive distribution of the state supplement which his or her qualifications brought to the local government.

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

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

Effective: March 20, 2009

History: Amended 2009 Ky. Acts ch. 33, sec. 3, effective March 20, 2009. -- Amended 1988 Ky. Acts ch. 11, sec. 16, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 125, sec. 3, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 373, sec. 7, effective July 15, 1980.

95A.262 Hepatitis B inoculation of firefighters -- Allotment of funds accruing from insurance premium surcharge proceeds -- Qualifications for allotment -- Firefighters training center fund -- Reimbursement for equipment losses -- Low-interest loan fund -- Implementation of programs.

(1) The Commission on Fire Protection Personnel Standards and Education shall, in cooperation with the Cabinet for Health and Family Services, develop and implement a continuing program to inoculate every paid and volunteer firefighter in Kentucky against hepatitis B. The program shall be funded from revenues allocated to the Firefighters Foundation Program fund pursuant to KRS 136.392 and 42.190. Any fire department which has inoculated its personnel during the period of July 1, 1991 to July 14, 1992, shall be reimbursed from these revenues for its costs incurred up to the amount allowed by the Cabinet for Human Resources for hepatitis B inoculations.

(2) Except as provided in subsection (3) of this section, the Commission on Fire Protection Personnel Standards and Education shall allot on an annual basis a share of the funds accruing to and appropriated for volunteer fire department aid to volunteer fire departments in cities of all classes, fire protection districts organized pursuant to KRS Chapter 75, county districts established under authority of KRS 67.083, and volunteer fire departments created as nonprofit corporations pursuant to KRS Chapter 273. The commission shall allot eight thousand dollars (\$8,000) annually to each qualifying department, and beginning on July 1, 2001, the commission shall allot eight thousand two hundred fifty dollars (\$8,250) annually to each qualifying department. Any qualifying department which fails to participate satisfactorily in the Kentucky fire incident reporting system as described in KRS 304.13-380 shall forfeit annually five hundred dollars (\$500) of its allotment. If two (2) or more qualified volunteer fire departments, as defined in KRS 95A.500 to 95A.560, merge after January 1, 2000, then the allotment shall be in accordance with the provisions of KRS 95A.500 to 95A.560. Administrative regulations for determining qualifications shall be based on the number of both paid firefighters and volunteer firemen within a volunteer fire department, the amount of equipment, housing facilities available, and such other matters or standards as will best effect the purposes of the volunteer fire department aid law. A qualifying department shall include at least twelve (12) firefighters, a chief, and at least one (1) operational fire apparatus or one (1) on order. Fifty percent (50%) of the firefighters shall have completed at least one-half (1/2) of one hundred fifty (150) training hours toward certification within the first six (6) months of the first year of the department's application for certification, and there shall be a plan to complete the one hundred fifty (150) training hours within the second year. These personnel, equipment, and training requirements shall not be made more stringent by the promulgation of administrative regulations. No allotment shall exceed the total value of the funds, equipment, lands, and buildings made available to the local fire units from any source whatever for the year in which the allotment is made. A portion of the funds provided for above may be used to purchase group or blanket health insurance and shall be used to purchase workers' compensation insurance, and the remaining funds shall be distributed as set forth in this section.

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

dollars (\$200,000). Prior to funding any project pursuant to this subsection, a proposed project shall be approved by the Commission on Fire Protection Personnel Standards and Education as provided in subsection (4) of this section and shall comply with state laws applicable to capital construction projects.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) There shall be allotted each year of the 1992-93 biennium one million dollars (\$1,000,000), and each year of the 1994-95, 1996-97, 1998-99, and 2000-01 bienniums one million dollars (\$1,000,000) of the insurance premium surcharge proceeds accruing to the Firefighters Foundation Program fund for the purpose of creating a revolving low-interest loan fund, which shall thereafter be self-sufficient and derive its operating revenues from principal and interest payments. The commission, in accordance with the procedures in subsection (4) of this section, may make low-interest loans, and the interest thereon shall not exceed three percent (3%) annually or the amount needed to sustain operating expenses of the loan fund, whichever is less, to volunteer fire departments for the purposes of major equipment purchases and facility construction. Loans shall be made to departments which achieve the training standards necessary to qualify for volunteer fire department aid allotted pursuant to subsection (2) of this section, and which do not have other sources of funds at rates which are favorable given their financial resources. The proceeds of loan payments shall be returned to the loan fund for the purpose of providing future loans. If a department does not make scheduled loan payments, the commission may withhold any grants payable to the department pursuant to subsection (2) of this section until the department is current on its payments. Money in the low-interest loan fund shall be used only for the purposes specified in this subsection. Any funds remaining in the fund at the end of a fiscal year shall be carried forward to the next fiscal year for the purposes of the fund.

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

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

(a) A program to prepare emergency service personnel for handling potential man-made and non-man-made threats. The commission shall work in conjunction with the state fire marshal

and other appropriate agencies and associations to identify and make maps of gas transmission and hazardous liquids pipelines in the state;

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

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

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

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

(f) A program to expand and update current EMS, first responder, EMT, and paramedic training and certification instruction; and

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

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 82, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 77, sec. 4, effective July 15, 2008. -- Amended 2006 Ky. Acts ch. 113, sec. 2, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 99, sec. 114, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 71, sec. 1, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 289, sec. 2, effective July 15, 2002; and ch. 309, sec. 8, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 270, sec. 5, effective July 14, 2000; and ch. 402, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 244, sec. 5, effective July 15, 1998; ch. 426, sec. 97, effective July 15, 1998; and ch. 510, sec. 5, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 43, sec. 9, effective July 15, 1994. -- Repealed, reenacted, and amended as KRS 95A.262, 1992 Ky. Acts ch. 381, sec. 7, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 213, sec. 1, effective July 15, 1986; and ch. 446, sec. 1, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 300, sec. 11, effective July 13, 1984; ch. 303, sec. 2, effective July 13, 1984; and ch. 327, sec. 2, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 246, sec. 11, effective April 1, 1982. -- Amended 1980 Ky. Acts ch. 188, sec. 3, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 164, sec. 2, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. V, sec. 24(7). -- Amended 1972 Ky. Acts ch. 167, sec. 1. -- Amended 1966 Ky. Acts ch. 255, sec. 21. -- Amended 1962 Ky. Acts ch. 239, sec. 1. -- Amended 1960 Ky. Acts ch. 237, sec. 1. -- Created 1958 Ky. Acts ch. 93, sec. 5.

2010-2012 Budget Reference. See State/Executive Branch Budget, 2010 (1st Extra. Sess.) Ky. Acts ch. 1, Pt. I, K, 11, (2) at 53.

Formerly codified as KRS 17.250.

95A.265 Safety education fund -- Education programs in public schools and agencies -- Administrative regulations to establish funding criteria.

(1) There is hereby created a safety education fund to be administered by the Commission on Fire Protection Personnel Standards and Education to initiate education programs in the public schools and other agencies to reduce and prevent injuries and the loss of life. The fund shall:

(a) Provide funding for a statewide "Risk Watch" program to be implemented in the public schools;

(b) Provide funding for statewide fire safety initiatives and programs including the "Learn Not to Burn" program; and

(c) Allot grants to fire departments to provide resources for public education programs.

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

Effective: June 24, 2003

History: Created 2003 Ky. Acts ch. 187, sec. 1, effective June 24, 2003.

95A.270 Payment by Finance and Administration Cabinet.

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

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 270, sec. 6, effective July 14, 2000. -- Amended 1982 Ky. Acts ch. 125, sec. 4, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 373, sec. 8, effective July 15, 1980.

95A.280 Reports.

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

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 113, sec. 3, effective July 12, 2006. -- Created 1980 Ky. Acts ch. 373, sec. 9, effective July 15, 1980.

95A.290 Distribution of insufficient funds -- Exception.

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

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

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

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 270, sec. 7, effective July 14, 2000. -- Amended 1984 Ky. Acts ch. 300, sec. 10, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 125, sec. 5, effective July 15, 1982; and ch. 246, sec. 7, effective April 1, 1982. -- Created 1980 Ky. Acts ch. 373, sec. 10, effective July 15, 1980.

95A.300 Appeals.

An appeal may be taken from any decision of the commission to withhold or terminate payment from the fund to any local government. Appeal shall be to the Circuit Court of the circuit where the controversy originated.

Effective: July 15, 1980

History: Created 1980 Ky. Acts ch. 373, sec. 11, effective July 15, 1980.

95A.400 Purpose of thermal vision grant program.

The thermal vision grant program, which is administered pursuant to KRS 95A.400 to 95A.440 and appropriations for the thermal vision grant program in the state budget, is designed to:

- (1) Reduce and prevent the loss of life by creating better equipped firefighters throughout the Commonwealth; and
- (2) Upgrade the capabilities of local firefighters by providing financial assistance to be used to purchase thermal vision devices.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 292, sec. 1, effective July 15, 2002.

95A.410 Responsibility for thermal vision grant program.

The commission shall have overall responsibility for policy, guidance, administration, implementation, and proper utilization of the thermal vision grant program. The commission, with the advice of the advisory committee, shall make determinations relating to thermal vision grant program applications and releasing equipment to fire departments.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 292, sec. 2, effective July 15, 2002.

95A.420 Definition for KRS 95A.400 to 95A.440.

For the purposes of KRS 95A.400 to 95A.440, "thermal vision device" means any portable electronic device that displays a visible image from the infrared portion of the electromagnetic spectrum.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 292, sec. 3, effective July 15, 2002.

95A.430 Duties of commission.

The commission shall:

- (1) Create the necessary application forms, any necessary supporting documents, compliance documents, or reporting documents for the thermal vision grant program as may be necessary by promulgating administrative regulations under KRS Chapter 13A;
- (2) Make a determination of the characteristics of the most cost-effective thermal vision systems for use by fire departments participating in the thermal vision grant program;
- (3) Make a determination of the manufacturer or manufacturers of thermal vision devices to be purchased by the thermal vision grant program;
- (4) Make a determination of the most cost-effective purchase mechanism and price, under KRS Chapter 45A, for thermal vision systems;
- (5) Accept and process applications for the purchase of thermal vision systems through the thermal vision grant program;
- (6) Award eligible fire departments grants equal to fifty percent (50%), but not to exceed the sum of five thousand dollars (\$5,000), of the agreed price for the purchase of thermal vision systems;
- (7) Require recipients of thermal vision devices purchased through the thermal vision grant program to file any reports deemed necessary by the commission concerning usage, maintenance, or property accounting or loss with the commission; and
- (8) Maintain these reports for evaluation by the commission.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 292, sec. 4, effective July 15, 2002.

95A.440 Grants to fire departments -- Applications.

All fire departments formed under KRS Chapter 65, 75, 95, or 273 shall be eligible to receive grants through the thermal vision grant program. These fire departments may make application for a grant to purchase thermal vision devices through the thermal vision grant program to the commission. The application shall be made on forms provided by the commission. A fire department that receives a grant through the thermal vision grant program shall not make another application to the commission for a grant for a period of two (2) years. Fire departments receiving grants for the purchase of thermal vision devices through the thermal vision grant program shall comply with all administrative regulations concerning reporting requirements established by the commission. Failure to comply with these reporting requirements shall disqualify a fire department from participation in the thermal vision grant program for a period of five (5) years.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 292, sec. 5, effective July 15, 2002.

95A.500 Volunteer fire department aid for merged departments.

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

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 309, sec. 1, effective July 15, 2002.

95A.510 Definitions for KRS 95A.500 to 95A.560.

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

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

(2) "Qualified share" means the amount of money allocated by the Commission on Fire Protection Personnel Standards and Education for volunteer fire department aid under KRS 95A.262(2), less any penalties for failure to participate satisfactorily in the Kentucky fire incident reporting system as described in KRS 304.13-380.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 309, sec. 2, effective July 15, 2002.

95A.520 Shares of fire department aid for merged departments.

(1) The Commission on Fire Protection Personnel Standards and Education shall pay to the merged district, for the first, second, and third years after the merger, the number of qualified shares of volunteer fire department aid allotted under KRS 95A.262(2) equal to the total number of qualified shares that each department would have received previous to merger;

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

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

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 309, sec. 3, effective July 15, 2002.

95A.530 Notification of merger or splitting.

The trustees of the volunteer fire district shall notify the Commission on Fire Protection Personnel Standards and Education, in writing, within thirty (30) days of the merger or splitting of a merged volunteer fire district created under the provisions of this chapter. Notification shall be made in the manner prescribed by the Commission on Fire Protection Personnel Standards and Education in administrative regulations promulgated in accordance with the provisions of KRS Chapter 13A.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 309, sec. 4, effective July 15, 2002.

95A.540 Share of aid for new department created from territory in existing department.

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

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 309, sec. 5, effective July 15, 2002.

95A.550 Payments owed to certain merged districts -- Proration if insufficient funds.

The Commission on Fire Protection Personnel Standards and Education shall calculate and disburse to each district merged after January 1, 2000, but before July 15, 2002, any payments owed the district according to the schedule set out in this section. In order to receive the payment, the trustees of the volunteer fire district shall notify the commission in writing within sixty (60) days of July 15, 2002, that there has been a merger in their jurisdiction within that time. If sufficient funds do not exist to make all the payments at one (1) time owed under the provisions of this subsection, then the available amount shall be prorated evenly and proportionately and disbursed among those merged districts each disbursement cycle until the total amount has been paid to each of those districts. The commission shall not reduce any other payments under KRS 95A.262 to make the payments under this subsection.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 309, sec. 6, effective July 15, 2002.

95A.560 Suspension of payments to department that does not remain qualified to receive aid.

If the resulting merged district does not remain qualified to receive the volunteer fire department aid under KRS 95A.262(2), then the Commission on Fire Protection Personnel Standards and Education shall suspend all payments calculated under KRS 95A.520. The merged district shall have ninety (90) days to come into compliance with the requirements for qualification. If the merged district does so, then the commission shall resume payments as calculated under KRS 95A.520. If the merged district does not come into compliance within ninety (90) days of the loss of qualification, then the commission shall not resume payments as calculated under KRS 95A.520. Should the merged district come into compliance after ninety (90) days, it shall receive only one (1) qualified share of the volunteer fire department aid under KRS 95A.262(2).

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 309, sec. 7, effective July 15, 2002.

95A.990 Penalty.

Any person who knowingly or willfully makes any false or fraudulent statement or representation in any record or report to the commission under KRS 95A.280 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or imprisoned for not less than thirty (30) days nor more than one (1) year, or both.

Effective: July 15, 1980

History: Created 1980 Ky. Acts ch. 373, sec. 12, effective July 15, 1980.

KRS

CHAPTER 164

164.281 Public institution of postsecondary education criminal history background checks -- Initial hires, contractors, employees, volunteers, visitors -- Disclosures - Termination.

(1) Each public institution of postsecondary education shall require a criminal history background check on all initial hires.

(a) The background check shall consist of a state criminal history background check and a national criminal history background check.

(b) Applications shall authorize the appropriate agency to search police records for convictions and make results known to the institution, and the institution may require the applicant to bear the cost of the criminal history background check.

(2) Each public institution of postsecondary education may require a criminal history background check on a contractor, employee of a contractor, volunteer for the institution or a program of the institution, or visitor, subject to the same terms and conditions as in subsection (1) of this section.

(3) If, upon review of the results of the criminal history background check, a public institution of postsecondary education finds that the applicant, contractor, employee of a contractor, volunteer, or visitor has been convicted of, pled guilty to, or entered an Alford plea to a sex crime as specified in KRS 17.500 or a violent offense as specified in KRS 439.3401, the institution may:

(a) Deny employment or modify the conditions of employment to provide for appropriate supervision;

(b) Deny a contractor or a contractor's employee a permit to enter the institution or its grounds, or modify the contract to provide for appropriate supervision;

(c) Prohibit a person from volunteering or require the person to agree to appropriate supervision; or

(d) Prohibit a person from visiting the institution or its grounds, or require that person to agree to appropriate supervision.

(4) Each application or renewal form, provided by the institution to an applicant for employment, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A STATE AND NATIONAL CRIMINAL HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT."

(5) If the institution requires a criminal history background check for contractors, employees of contractors, volunteers, or visitors, the institution shall provide to the prospective person or organization the following statement: "FOR THIS TYPE OF CONTRACT OR FOR BEING AN EMPLOYEE OF A CONTRACTOR, A VOLUNTEER FOR THE INSTITUTION OR AN INSTITUTIONAL PROGRAM, OR A VISITOR OF THE INSTITUTION, THIS INSTITUTION REQUIRES A STATE AND NATIONAL CRIMINAL HISTORY BACKGROUND CHECK."

(6) If an employee of the public institution of postsecondary education is convicted of, pleads guilty to, enters an Alford plea to, or is adjudicated guilty of an offense

specified in subsection (3) of this section, the employment of that person may, at the discretion of the institution, be terminated as of the date of the conviction.

(7) A private college or university located in the Commonwealth may utilize at its discretion any of the provisions of this section, providing that it does so in a written institutional document.

Effective: July 12, 2006

History: Created 2006 Ky. Acts ch. 182, sec. 19, effective July 12, 2006.

**164.2842 Free tuition at state-supported school for survivor of police officer, firefighter, or volunteer firefighter permanently and totally disabled in line of duty -
- Free tuition at state-supported school for survivor of other state-administered retirement system participants disabled as a result of duty-related injury.**

- (1)
 - (a) The spouse, regardless of age, and any child of a permanently and totally disabled law enforcement officer, firefighter, or volunteer firefighter injured while in active service or in training for active service, who is over the age of seventeen (17) and under the age of twenty-three (23) shall not be required to pay any matriculation or tuition fee upon his admission to any state-supported university, community college, or vocational training institution for a period not in excess of thirty-six (36) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.
 - (b) For the spouse or child to be entitled to benefits under this section, the disabled law enforcement officer, firefighter, or volunteer firefighter shall be rated permanently and totally disabled for pension purposes or one hundred percent (100%) disabled for compensation purposes by the Kentucky Justice and Public Safety Cabinet, the appropriate city or county law enforcement agency which employed the disabled, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes, or if deceased, the claim to benefits is to be based on the rating held by the law enforcement officer, firefighter, or volunteer firefighter at the time of death. The parent's or spouse's service and rating shall be evidenced by certification from the records of the Kentucky Justice and Public Safety Cabinet, the appropriate local law enforcement agency, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes.
 - (c) In the absence of certification of permanent and total disability by the Kentucky Department of Workers' Claims, the Kentucky Justice and Public Safety Cabinet, the appropriate local law enforcement agency, the administrative agency for the fire department or fire protection district recognized for funding under KRS 95A.262, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities of all classes, medical evidence showing permanent and total disability or the existence of permanent and total disability for a period of at least thirty (30) days immediately prior to death may be accepted, if this evidence is signed by a physician licensed to practice or an official of an accredited medical hospital.
 - (d) The parent-child relationship shall be shown by birth certificate, legal adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence.
 - (e) To entitle a spouse or child to benefits under this section the disabled law enforcement officer, firefighter, or volunteer firefighter shall have been a resident of the Commonwealth of Kentucky upon becoming a law enforcement officer, firefighter, or volunteer firefighter.
- (2)
 - (a) The spouse, regardless of age, and any child of a person who was an employee participating in a state-administered retirement system and not otherwise covered by subsection (1) of this section and who was disabled as a result of a duty-related injury as

described in KRS 61.621, who is over the age of seventeen (17) and under the age of twenty-three (23) shall not be required to pay any matriculation or tuition fee upon his admission to any state-supported university, community college, or vocational training institution for a period not in excess of thirty-six (36) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.

(b) The parent-child relationship shall be shown by birth certificate, legal adoption papers, or other documentary evidence. The spousal relationship shall be shown by a marriage certificate or other documentary evidence.

(3) The marriage of an eligible child shall not serve to deny full entitlement to the benefits provided in this section.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 212, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 85, sec. 172, effective June 26, 2007. -- Amended 2001 Ky. Acts ch. 7, sec. 5, effective June 21, 2001. -- Amended 1994 Ky. Acts ch. 181, sec. 100, effective April 4, 1994. -- Amended 1992 Ky. Acts ch. 381, sec. 10, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 143, sec. 2, effective July 13, 1990. -- Created 1986 Ky. Acts ch. 324, sec. 3, effective April 4, 1986.

KRS

CHAPTER 273

273.161 Definitions.

As used in KRS 273.163 to 273.387, unless the context otherwise requires, the term:

- (1) "Corporation" or "domestic corporation" means a nonprofit corporation subject to the provisions of KRS 273.163 to 273.387, except a foreign corporation;
- (2) "Foreign corporation" means a nonprofit corporation organized under laws other than the laws of this state;
- (3) "Nonprofit corporation" means a corporation no part of the income or profit of which is distributable to its members, directors or officers;
- (4) "Articles of incorporation" means the original or restated articles of incorporation or articles of consolidation and all amendments thereto, including articles of merger;
- (5) "Bylaws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated;
- (6) "Member" means one having membership rights in a corporation in accordance with the provisions of its articles of incorporation or bylaws;
- (7) "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which group is designated;
- (8) "Insolvent" means inability of a corporation to pay its debts as they become due in the usual course of its affairs;
- (9) "Principal office" means the office, in or out of this state, so designated in the annual report where the principal executive offices of a domestic or foreign corporation are located;
- (10) "Secretary" means the corporate officer to whom the board of directors has delegated responsibility for custody of the minutes of the meetings of the board of directors and the members and for authenticating records of the corporation;
- (11) "Individual" includes the estate of an incompetent or deceased individual;
- (12) "Entity" includes a domestic or foreign corporation; not-for-profit corporation; profit and not-for-profit unincorporated association; business or statutory trust, estate, partnership, limited partnership, limited liability company, trust, and two (2) or more persons having a joint or common economic interest; and state, United States, and foreign government;
- (13) "Person" includes individual and entity.
- (14) "Name of record with the Secretary of State" means any real, fictitious, reserved, registered, or assumed name of an entity; and
- (15) "Real name" shall have the meaning set forth in KRS 365.015.

Effective: July 15, 2010

History: Repealed and reenacted 2010 Ky. Acts ch. 51, sec. 79, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 137, sec. 79, effective June 26, 2007. -- Amended 1988 Ky. Acts ch. 23, sec. 195, effective January 1, 1989. -- Amended 1986 Ky. Acts ch. 202, sec. 7, effective March 28, 1986. -- Created 1968 Ky. Acts ch. 165, sec. 2.

Legislative Research Commission Note (7/15/2010). 2010 Ky. Acts ch. 51, sec. 183, provides, "The specific textual provisions of Sections 1 to 178 of this Act which reflect amendments made to those sections by 2007 Ky. Acts ch. 137 shall be deemed effective as of June 26, 2007, and those provisions are hereby made expressly retroactive to that date, with the remainder of the text of those sections being unaffected by the provisions of this section."

Legislative Research Commission Note (6/26/2007). 2007 Ky. Acts ch. 137, sec. 79, subsection (15) cited "Section 164 of this Act." It is apparent from context that the section referred to should have been Section 163 of the Act, KRS 365.015. The Reviser of Statutes has made this change under the authority of KRS 7.136.

273.167 Purposes.

Corporations may be organized under KRS 273.161 to 273.390 for any lawful purpose or purposes, including, without being limited to, any one or more of the following purposes: charitable; benevolent; eleemosynary; educational; civic; patriotic; political; governmental; religious; social; recreational; fraternal; literary; cultural; athletic; scientific; agricultural; horticultural; animal husbandry; and professional, commercial, industrial or trade association; but labor unions, cooperative organizations, and organizations subject to any of the provisions of the insurance laws or banking laws of this state may not be organized under KRS 273.161 to 273.390.

History: Created 1968 Ky. Acts ch. 165, sec. 4.

KRS

CHAPTER 304

304.13-380 Reports of fire calls by fire departments -- Monthly summaries to be sent to commissioner.

(1) Each fire department operating within the Commonwealth, whether paid or volunteer, shall complete a report each time it responds to a fire call. The report shall be made on a form, similar to the National Fire Protection Association's standard fire reporting form, to be distributed by the Commission on Fire Protection Personnel Standards and Education and shall include but not be limited to the following information:

- (a) Date of the fire call;
- (b) Time of day of the fire response;
- (c) Number of pieces of fire equipment responding to each call;
- (d) Number of firefighters responding to each call;
- (e) Description of the estimated fire damages; and
- (f) Cause of the fire, if known, or the suspected cause of the fire.

(2) Each fire department operating within the Commonwealth, whether paid or volunteer, shall file a monthly summary of the reports required to be completed in subsection (1) of this section with the commission's office. The commission shall transmit a copy of each fire department's monthly summary to the commissioner. Monthly summaries shall be made on a form, similar to the National Fire Protection Association's fire reporting action summary form, to be distributed by the commission.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1144, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 170, sec. 1, effective July 15, 2008. -- Created 1982 Ky. Acts ch. 224, sec. 1, effective July 15, 1982.

KAR
TITLE 739

739 KAR 2:010. Commission meetings and proceedings.

RELATES TO: KRS 95A.040, 95A.050(1)

STATUTORY AUTHORITY: KRS 95A.050(3)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation sets forth definitions as well as rules and procedures governing the manner and form of meetings and proceedings initiated and conducted by the Commission on Fire Protection Personnel Standards and Education, and to clarify by what means the commission will provide training for firefighters and conduct its meetings.

Section 1. Definitions.

- (1) "Commission" means commission as defined by KRS 95A.210(1).
- (2) "Commissioner" means the Commissioner of the Department of Housing, Buildings and Construction.
- (3) "Department" means the Department of Housing, Buildings and Construction.
- (4) "Division" means the Division of Fire Prevention, State Fire Marshal's Office.
- (5) "Fire department" means and includes a fire department organized under KRS Chapter 75, a fire protection district, a volunteer fire department, a municipal, county or urban-government fire department or other agency or organization recognized by the commission.
- (6) "Fire protection personnel" means an employee or member of a "fire department" whether paid or unpaid, who is engaged in any of the following:
 - (a) Fire prevention;
 - (b) Inspecting buildings for compliance with building, fire, energy and life- safety codes and compliance with the Architectural Barriers Act;
 - (c) Fire suppression;
 - (d) Fire and arson investigation;
 - (e) Fire-related emergency medical and rescue work;
 - (f) Other allied fields recognized and approved by the commission.
- (7) "Fire protection instructor" or "fire service training officer" means any person certified, pursuant to KRS 95A.040(2)(b) as qualified to instruct fire protection personnel.
- (8) "KCTCS" means the Kentucky Community and Technical College System.

Section 2.

- (1) Voting on reports, recommendations, and contracts. In order for any of the following decisions or actions to be made, a majority of the commission members shall have cast affirmative votes.

- (a) Recommending administrative regulations to the commissioner pursuant to KRS 95A.050(3) to establish procedures for certification that training and education programs meet minimum standards pursuant to KRS 95A.040(2)(a);
- (b) Entering into contracts with other agencies or persons pursuant to KRS 95A.050(2);
- (c) Recommending to the commissioner administrative regulations prescribing the qualifications and certification procedures for fire protection instructors pursuant to KRS 95A.040(2)(b); or
- (d) Making studies, recommendations and reports to the governor or legislature pursuant to KRS 95A.040(1).

(2) Public meetings. It shall be the policy of the commission that all its proceedings shall be open to the public and to the press and other news media representatives, unless forbidden by law. This policy shall also apply to the proceedings of any subcommittee of the commission.

(3) Parliamentary rules. The commission shall be governed by Roberts Rules of Order for the orderly conduct of commission meetings or subcommittee meetings.

(4) Complaints; advisory opinions. At any regular meeting, the commission may receive complaints, render decisions, deliver advisory opinions, or authorize or request studies and reports by personnel in the State Fire Marshal's Office for any of the purposes set forth in KRS 95A.040, 95A.050, and any administrative regulation adopted thereunder.

(5) Subcommittees. The commission may establish and govern the subcommittees of its members as it may deem advisable or desirable for the orderly conduct of its business.

Section 3. Administrative Support for Commission.

- 1) Staff services. Personnel of the division shall provide administrative and technical services to the commission as the commissioner deems necessary or desirable, upon the request of the commission
- 2) Training services. The commission may contract with whom it deems necessary as approved by the commission for the entire range of local fire department duties, technology and activities. In addition, KCTCS may furnish school facilities in and among the vocational and technical schools under its jurisdiction for this training. (20 Ky.R. 3155; Am. 21 Ky.R. 18; eff. 7-7-94; 25 Ky.R. 1196; 1603; eff. 1-8-99; recodified from 815 KAR 45:025, 3-27-2002.)

739 KAR 2:020. Education Incentive.

RELATES TO: KRS Chapter 95A

STATUTORY AUTHORITY: KRS 95A.240

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.240(1) authorizes the Commission on Fire Protection Personnel Standards and Education to establish administrative regulations necessary to properly administer the Firefighters Foundation Program Fund. This administrative regulation establishes the procedures and criteria which shall be utilized to determine the eligibility of local governments and individual paid firefighters to share in the fund, and to clarify the eligibility requirements for a qualified firefighter who has been off duty for illness or other reasons to return to the service and receive incentive pay without having to be treated as a new firefighter.

Section 1. Definitions.

- (1) "Allowable sickness, injury or other medical causes" means reasons for which time off the job is granted by the local government for sickness, injury, or other medical causes.
- (2) "Certified training" means firefighter training given by a certified instructor and approved and recorded by the commission.
- (3) "Commission" means commission as defined by KRS 95A.210(1).
- (4) "Department" means the Department of Housing, Buildings and Construction.
- (5) "Fiscal year" means the period July 1 through June 30 of each twelve (12) month period.
- (6) "Fund" means fund as defined by KRS 95A.210(2).
- (7) "Professional firefighters" means an individual described in KRS 95A.210(4) who work a minimum of 2,080 hours per year as a member of a fire department or fire protection district. This definition is intended to cover jobs involving the suppression, investigation, inspection and prevention of emergency situations, but does not include a public safety officer or a peace officer who has responsibility for the prevention and detection of crime other than arson.
- (8) "Incentive pay" means monies from the fund used to supplement compensation paid to professional firefighters.
- (9) "Leave of absence" means a leave granted by the local government for which the firefighter is employed and for which leave the fire department or its workers' compensation carrier provides a form of compensation.
- (10) "Local government" means local government as defined by KRS 95A.210(3).

Section 2. Eligibility.

- (1) A local government which meets the following requirements shall be eligible to participate and share in the distribution of funds if it has made application on Form KPF-1, July 14, 1998, and if the commission has determined that the local government has met the eligibility criteria as stated in KRS 95A.230.

(a) The commission shall review the qualifications of firefighters employed by local fire department units after the effective date of this administrative regulation to determine the basic training, if any, which the firefighter may be required to successfully complete prior to being eligible to participate in the fund;

(b) The fire department shall comply with all rules and administrative regulations issued by the commission to facilitate the administration of the fund and further the provisions of KRS Chapter 95A;

(c) The fire department shall comply with all provisions of law applicable to local firefighters; and

(d) A firefighter who does not possess a high school degree or its equivalent and who has been deemed eligible to participate in the fund pursuant to KRS Chapter 95A who terminates firefighter service, forfeits his eligibility and shall meet the minimum educational requirement to reparticipate in the fund.

(2) A firefighter who possesses sufficient training to meet the basic training requirements established by the commission and who terminates or is granted a leave of absence from firefighter service for a period exceeding one (1) year (365 days) shall forfeit his eligibility. Eligibility shall be reestablished for a firefighter who returns to service upon completion of 100 hours of training and meets the minimum training requirements set forth in subsection (6) of this section. If his separation or leave of absence does not exceed one (1) year, he shall be considered eligible for participation in the fund. After the first year, a firefighter shall also have the additional amount of time equal to his time off to acquire his 100 hours of required annual training to maintain his eligibility.

(3) If a firefighter is off duty due to allowable sickness, injury, or other medical cause in his first year of employment, he shall have an additional amount of time equal to the required time off to acquire the balance of his initial 400 hours of required training. After the first year, a firefighter shall also have the additional amount of time equal to his time off to acquire his 100 hours of required training to maintain his eligibility. The firefighter shall be eligible to receive incentive pay upon completion of 100 make-up hours.

(4) A copy of the high school diploma or GED certificate for each firefighter, if required, shall be maintained by the local unit and shall be available for review by appropriate commission personnel.

(5) If, after having successfully completed a certified basic training course, a firefighter transfers from one (1) participating local unit to another, he shall be eligible to receive payments from the fund if he continues to meet the requirements of the fund was established by the commission.

(6) If a firefighter transfers from one (1) fire department to another, paid or volunteer, all certified training he has received shall be recognized by the fire department to which he has transferred and shall be credited toward his eligibility for participation in the fund.

(7) A firefighter shall not receive monies from this fund for employment with more than one (1) employer and shall not receive dual payment.

Section 3. Participation Requirements.

(1) Application shall be made by local governments for new participation. Applications shall be filed on Form KPF 1, July 14, 1998, and shall be accepted from February 1 through April 30 of each year for payment to begin July 1 of that fiscal year. A local government failing to make application within the specified dates shall not be considered for participation until the next application filing period.

(2) The commission shall determine which local governments are eligible to share in the fund and may withhold or terminate payments to a local government that does not comply with the requirements of KRS Chapter 95A or the rules and administrative regulations issued by the commission.

(3) If the commission finds, upon audit or by any other means that a local government has received funds in violation of the provisions of this administrative regulation and applicable statutes, the commission shall require reimbursement for all payments erroneously or falsely made, or it may refuse to grant future eligible incentive pay awards until the amount owed is recovered by the commission.

Section 4. Local Unit Distribution of Funds.

(1) The local unit shall submit a monthly incentive request on Form KPF-2, July 1, 1998, requesting incentive pay for their eligible firefighters. Upon receipt of the incentive check, the local unit shall return Form KPF-2A, July 1, 1998, to the commission to acknowledge receipt of the monthly incentive pay.

(2) The local unit shall include the incentive compensation paid to each firefighter from the fund as a part of the firefighter's salary in determining all payroll deductions.

(3) The local unit shall provide each firefighter with a check stub or separate receipt upon which the gross amount of incentive funds paid to the firefighter shall be identified.

(4) The local unit shall disburse incentive funds during the month for which the funds are requested.

(5) The local unit shall maintain records to document that each participant devotes sufficient hours performing fire service training to qualify him for incentive pay.

(6) The local unit shall submit to the commission a quarterly report on Forms KPF-3 and 3A, July 1, 1998, to reconcile disbursement of incentive pay.

Section 5. Local Audits.

(1) The local unit may be audited by the department pursuant to established procedures.

(2) For audit purposes, the local unit shall maintain accurate financial records. These records shall include, but are not limited to, the following:

(a) Books of original entry;

(b) Source documents supporting accounting transactions;

(c) The general ledger;

- (d) Subsidiary ledgers;
- (e) Personnel and payroll records;
- (f) Cancelled checks; and
- (g) Any related document and record.

(3) These records shall be retained by the local unit until destruction is authorized by the commission or applicable requirements of the Department of Libraries and Archives.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) Application for Incentive Pay, Form KPF-1, July 14, 1998.
- (b) Paid Firefighters Foundation Incentive Program Form, Form KPF-2, July 1, 1998.
- (c) Professional Firefighters Foundation Incentive Program Check Verification, Form KPF-2A, July 1, 1998.
- (d) Quarterly Fiscal Report, Form KPF-3, July 1, 1998.
- (e) Professional Firefighters Foundation Incentive Program Form KPF-3A, July 1, 1998 (to be used with Form KPF-3).

(2) This material may be inspected, copied, or obtained at the Commission on Fire Protection Personnel Standards and Education, 1049 U.S. 127 South, Suite #5, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (7 Ky.R. 73; Am. 448; eff. 11-6-80; 9 Ky.R. 51; eff. 8-11-82; 1053; eff. 4-6-83; 14 Ky.R. 2230; eff. 8-5-88; 16 Ky.R. 1498; 2140; eff. 4-12-90; 19 Ky.R. 2122; 2427; eff. 5-10-93; 25 Ky.R. 1197; 1604; eff. 1-8-99; recodified from 815 KAR 45:035, 3-27-2002.)

739 KAR 2:030. Requirements for obtaining firefighter's training facility grants.

RELATES TO: KRS 95A.040, 95A.262(3), (4)

STATUTORY AUTHORITY: KRS 95A.260(1), 95A.262

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.262 requires that prior to the expenditure of funds for the purpose of constructing new or upgrading existing training facilities for firefighters, plans shall be submitted to and reviewed by the Commission on Fire Protection Personnel Standards and Education. The purpose of this administrative regulation is to set out standards and procedures for determining the amount and use of the funds to be expended from the Firefighter's Training Facility Fund. This amendment is necessary to comply with KRS Chapter 13A drafting rules as requested by LRC staff and to add the forms to apply for firefighters training facility grants.

Section 1. Definitions.

- (1) "Commission" means commission as defined by KRS 95A.210(1).
- (2) "Cost estimate or quotation or bids" means an itemized list of labor, items or materials needed and their estimated cost at the time of bidding. It may also mean the estimated cost of land or buildings to be purchased.
- (3) "Training facility" means a mechanism fixed or mobile where firefighters may be trained.

Section 2. Eligibility.

To qualify to receive aid under the Firefighter Training Facility Fund, all fire departments recognized by the commission or groups or associations of fire departments operated and maintained on a nonprofit basis in the interest of the health, safety, prosperity and security of the inhabitants of the Commonwealth, shall be eligible.

Section 3. Participation Requirements.

- (1) Application shall be made to the commission on Form TFG-1, July 14, 1998. The application shall contain, but not be limited to the following:
 - (a) A letter of application, containing a general statement of intent;
 - (b) A list of fire departments and agencies that will use the facility;
 - (c) A list of what is available to the applicant, such as land, free labor or materials, etc.;
 - (d) The name of an agent or contact person;
 - (e) A drawing or sketch of the proposed training facility, as well as building drawing if applicable; and
 - (f) A cost estimate.

(2) All applications shall comply with KRS 45.750 through 45.800 applicable to capital construction projects statutes and the requirements stated in subsection (1) of this section.

- (a) Quotations or bids shall be obtained from at least three (3) suppliers for all expenditures of less than \$10,000.
- (b) Expenditures exceeding \$10,000 or in excess of the requirements of KRS 424.260, whichever applies, shall require advertisement in newspapers prior to letting the bid to inform the public and suppliers of the needs of the recipient and assure that purchases will be at the lowest cost.
- (c) Capital construction exceeding the cost of \$25,000, shall require bidding, advertisement and the services of an architect or professional engineer registered in the state of Kentucky.
- (d) Equipment expenditures exceeding \$50,000 shall comply with paragraphs (a), (b) and (c) of this subsection and shall be submitted to and approved by the Capital Construction and Equipment Oversight Committee.

(3) Permits shall be obtained for all electrical installations; all plumbing installations; all fuel installations; and boiler and pressure vessel installations.

Section 4. Processing Applications.

(1) The commission shall review the applications and, subject to funds available, shall determine which applications shall be funded and at what levels, together with any terms and conditions the commission deems necessary.

(2) Funds shall not be expended for any purpose other than that for which it is approved without the approval of the commission.

(3) If funds are granted to an applicant and are not to be used for the purpose granted, the applicant's agent shall contact the commission through its administrator directly, giving the reason any change is required or desired in the original plan; and resubmit new plans and cost estimates which shall be approved by the commission; or return the funds.

(4) Granted funds shall not be held longer than twelve (12) calendar months after the date of the grant check without reasonable progress toward the purpose of the grant. If no progress has been made or there is insufficient progress in the consideration of a majority of the commission members after twelve (12) months, the remaining funds shall be returned.

(5) If expenditures or progress is made during the quarter, receipts for funds expended or progress made shall be forwarded to the commission by the 15th of the following month. Progress shall be reported on Form TFG-2, July 14, 1998, and expenditures shall be reported on Form TFG-3, July 14, 1998. Receipts for January, February and March shall be in the hands of the Commission Administrator by the 15th of April and so on.

(6) Maintenance of the training facilities and equipment purchased with the granted funds shall be the responsibility of the applicant. A reasonable fee may be charged for use of the facilities by others than the applicant's members. These fees are to be used for the maintenance of the facilities or equipment.

(7) Any false statements made knowingly by an applicant shall call for refund of grant monies and prosecution under existing statutes.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Training Facility Grant Application, Form TFG-1, July 14, 1998 (2 pages).

(b) Quarterly Progress Report, Form TFG-2, July 14, 1998.

(c) Quarterly Financial Status Report, Form TFG-3, July 14, 1998.

(2) This material may be inspected, copied or obtained at the Commission on Fire Protection Personnel Standards and Education, 1049 U.S. 127 South, Suite #5, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (10 Ky.R. 511; Am. 760; eff. 11-2-83; 11 Ky.R. 805; eff. 12-11-84; 16 Ky.R. 1503; eff. 3-8-90; 19 Ky.R. 2125; 2429; eff. 5-10-93; 25 Ky. R. 1200; 1606; eff. 1-8-99; recodified from 815 KAR 45:050, 3-27-2002.)

739 KAR 2:040. Survivor benefits for death of a firefighter.

RELATES TO: KRS Chapter 95A, 136.392

STATUTORY AUTHORITY: KRS 61.315(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.315 authorizes the payment of survivor benefits of \$50,000 to the survivor of a paid or volunteer firefighter who is killed in the line of duty after July 1, 1991. This administrative regulation establishes the procedures and criteria which shall be utilized to determine the eligibility of the firefighter's survivor benefits. This administrative regulation applies to both paid and volunteer firefighters.

Section 1. Definitions.

(1) "Active member" means a paid firefighter that is listed on the department roster and participates in the department's training programs and other various activities.

(2) "Commission" means commission as defined by KRS 95A.210(1).

(3) "Death in the line of duty" means death which occurs as a direct result of an act or acts in the performance of duty as described in these administrative regulations and shall include death which results from a heart or circulatory malfunction which is treated within forty-eight (48) hours after participation in the performance of these duties or as the result of illness, sickness or injury caused by the performance of these duties which result in death within twelve (12) months of the activities as described elsewhere in these administrative regulations providing death is not caused by suicide or self-inflicted injury.

(a) If death occurs after twelve (12) months and is believed to be related to the above stated causes, the commission has the right of review with the possibility of determination of death in performance of duty.

(b) These activities shall not include participation in any sports or athletic event or contest, whether for the purpose of fund raising or any other purpose.

(4) "Child or children" means stepchildren, legally adopted children and children born posthumously.

(5) "Firefighter" means firefighter as defined in KRS 61.315(1).

(6) "Heart or circulatory malfunction" means myocardial infarction, angina pectoris, coronary thrombosis, cardiac arrest or a cerebral vascular accident which the symptoms of such malfunction are first medically treated within forty-eight (48) hours after participation in the performance of the duties of a paid firefighter as described in these administrative regulations.

(7) "Performance of duty" means a firefighter acting in the performance of his duties when engaged in the following activities if the activities are performed at the direction or with the knowledge of an officer of the fire department or when immediate action is required at the scene of an emergency not involving his department or other emergency organization:

(a) Firefighting;

- (b) Fire drills or other related training;
- (c) Rescue or emergency activities;
- (d) Repairing or doing other work about or in the fire or emergency apparatus or building and grounds of the fire department;
- (e) Answering an emergency call;
- (f) Riding in or upon the fire or emergency apparatus which is owned or used by the fire department;
- (g) Performing other duties of the fire department as authorized by the jurisdiction which the department serves; and
- (h) Attending meetings related to the fire service and travel to and from the meetings whether local, state, or national, as long as he is representing his local, state or national fire related organization.

Section 2. Requirements for Eligibility.

(1) Survivors. Benefits shall be paid to the surviving spouse, surviving children or both; or the surviving parents, as set forth in KRS 61.315(2).

(2) Heart or circulatory malfunction limitations. If an individual becomes an active member of a fire department and has not within five (5) years prior to the date of membership been medically diagnosed as having had or has received any medication for myocardial infarction, angina pectoris, coronary thrombosis, cardiac arrest or a cerebral vascular accident, his eligible survivors shall receive the benefits if the firefighter is killed in the line of duty.

(a) If the firefighter has been medically diagnosed as having had or receiving medication for the above illnesses within five (5) years prior to becoming an active member of a fire department and presents a medical statement to the commission from the firefighter's doctor that the firefighter has recovered or has been medically rehabilitated sufficiently to meet the physical demands of firefighting, the eligible survivors shall be eligible to receive the benefits granted through KRS 61.315 if the firefighter is killed in the line of duty.

(b) If a firefighter of a fire department is medically diagnosed as having had or is prescribed medication for myocardial infarction, angina pectoris, coronary thrombosis, cardiac arrest or a cerebral vascular accident and returns to active fire service, their survivors shall not be eligible to receive benefits from this program in event of the firefighter's death caused by heart or circulatory malfunction until a medical statement from their doctor that the individual has recovered or has been medically rehabilitated sufficiently to meet the physical demands of firefighting is supplied the commission. Upon review and approval of the statement by the commission, the firefighter's survivors shall again become eligible to receive benefits from this program.

(3) Autopsy. The commission reserves the right to request an autopsy providing sufficient cause can be shown for this request. If an autopsy is performed for any reason, a copy of the report

signed by the individual who performs the autopsy and a notary public shall be furnished to the commission.

Section 3. Application.

(1) Upon the death in the line of duty of a firefighter, the fire department of which the firefighter was a member at the time of death shall notify the commission's administrator of the death immediately. Upon receipt of the notification, the administrator shall send Form KPF-4, July 14, 1998, to the notifying fire department in care of the chief as well as Form KPF-5 to the known survivors of the deceased firefighter.

(2) Upon receipt of Forms KPF-4 and KPF-5, July 14, 1998, the chief and survivors or their representative shall properly fill out the forms and return them to the commission in care of the administrator.

(3) Upon the receipt of the properly completed forms, a committee of the commission appointed by the chairman of the commission shall review the forms and forward them with their recommendations to the full commission for determination of eligibility. If there are questions about the forms, the committee and the administrator may seek clarification of the questions on behalf of the commission.

Section 4. Certification of Payment of Benefits.

Upon certification of survivorship rights to the Firefighter's Death Benefit, the sum of \$50,000 shall be paid in check by the state treasurer from the general expenditure fund of the state treasury, as required by KRS 61.315(2) and the treasurer shall transmit the check to the commission's administrator for payment to the eligible survivor or survivors.

Section 5. False and Fraudulent Statements.

A person who knowingly or willfully makes any false or fraudulent statements or representation in any record or report to the commission under KRS Chapter 61.315 or this administrative regulation shall cause the survivors to become ineligible for further funds and those survivors may be responsible for the return to the state treasury of those funds which were received through these false or fraudulent statements or representations.

Section 6. Appeals.

(1) Decisions of the commission negatively affecting the eligibility of a survivor to be a recipient of the fund shall not be final until the survivor shall have been afforded an opportunity to be heard on the matter.

(2) An appeal may be taken from a final decision of the commission to withhold payment from the fund to any survivor. The appeal shall be to the circuit court of the circuit where the controversy originated.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) Report of Firefighter's Death, Form KPF-4, July 14, 1998.

(b) Claim for Survivor Benefits, Form KPF-5, July 14, 1998.

(2) This material may be inspected, copied, or obtained at the Commission on Fire Protection Personnel Standards and Education, 1049 U.S. 127 South, Suite #5, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (11 Ky.R. 912; eff. 12-11-84; Am. 16 Ky.R. 1505; eff. 3-8-90; 19 Ky.R. 2127; eff. 5-10-93; 25 Ky.R. 1202; 1608; eff. 1-8-99; recodified from 815 KAR 45:060, 3-27-2002.)

739 KAR 2:050. Volunteer fire department aid.

RELATES TO: KRS 75.400, 75.410, 75.440, 95A.210, 95A.262, 136.392

STATUTORY AUTHORITY: KRS 95A.262(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95.262(2) requires the Commission on Fire Protection Personnel Standards and Education to allot funds to local volunteer fire departments in order to promote better fire protection through better facilities and equipment. This administrative regulation establishes the requirements for volunteer fire department aid.

Section 1. Definitions.

- (1) "Certified training" means firefighter training given or verified by an instructor certified pursuant to 739 KAR 2:060 and recorded by the commission.
- (2) "Certified volunteer firefighter" means an individual who has received at least 150 hours of certified training and who receives at least twenty (20) hours of certified training annually.
- (3) "Commission" is defined by KRS 95A.210(1).
- (4) "Fire apparatus" means a motorized vehicle specifically designed to perform firefighting operations, equipped with a pump having a minimum capacity of pumping 250 gallons per minute and with sufficient space to carry fire hose and other fire suppression equipment.
- (5) "Newly formed fire department" means a fire department which meets the requirements established in KRS 95A.262(2) for a qualifying department.
- (6) "Volunteer fire department" is defined in KRS 75.400(5).

Section 2. Eligibility.

- (1) To qualify to receive volunteer fire department aid, a volunteer fire department shall meet the requirements established in KRS 95A.262 and this administrative regulation.
- (2) A newly formed fire department applying to be recognized by the commission for funding and benefits shall have twelve (12) firefighters and a chief that are not qualifying another fire department for volunteer fire department aid.
- (3) A fire department or other eligible entity requesting aid shall provide proof of purchase expenditures for the previous year's aid. The proof shall be submitted by June 30 of each year on form KSA-2, Proof of Purchase.
- (4) Certification of personnel shall be determined from Form KFS-2, Firefighter Application, which shall be submitted to the commission regarding the active or inactive status of an existing member, the departure of a member, or the entry of a new member.

Section 3. Participation Requirement.

- (1) The chief officer or his appointed representative of the department shall furnish the information required by the commission for determination of eligibility.

(2) All training hours for the department for the previous twelve (12) months shall be submitted by December 31.

(3) A volunteer fire department seeking aid pursuant to KRS 95A.262 shall submit to the commission a completed:

(a) Form KSA-1, Fire Department Information; and

(b) Form KFS-3, Fire Department Application.

Section 4. Purposes for which Volunteer Aid May be Used.

(1) An approved equipment list of items which may be purchased with volunteer fire department aid pursuant to KRS 95A.262 and this administrative regulation shall be supplied with each check.

(2) Funds shall not be expended for an item not on the approved list unless written permission to spend the funds for other purposes is granted by the commission and fire department aid administrator pursuant to Section 5 of this administrative regulation.

(3) Proof of purchase shall be:

(a) Submitted in the form of an invoice and cancelled check;

(b) Recorded on Form KSA-2, Proof of Purchase; and

(c) Submitted to the commission.

(4) Proof of purchase documentation shall be returned by June 30 of the year following receipt of the check.

(5) The commission or its designee may make an inspection of the applicant's fire department to determine comparative needs within the department before making the allotment. The inspection may include an accounting to assure that equipment previously purchased is currently in the possession of the fire department.

Section 5. Processing Applications for and Expenditure of Aid.

(1) (a) If the approved allotment is insufficient to cover the cost of equipment or other approved purpose, funds granted for a fiscal year may be deposited in a bank authorized by the applicant to be held for a period not to exceed five (5) years from the initial request.

(b) If additional time beyond the five (5) years is needed, a written request shall be made to the commission giving reasons why additional time is needed.

(c) The funds shall be held in a special and separate bank account marked "Fire Department Aid Fund."

(2) If an allotment is granted to a fire department and is to be used for the purchase of equipment other than that listed on the approved equipment list or for another purpose, the chief of the fire department shall:

- (a) Request, in writing, permission to use the allotment for other equipment or purposes; or
 - (b) Refund the grant-in-aid allotment.
- (3) The amount expended for a firefighter to attend a fire-related school or class shall:
- (a) Not exceed ten (10) percent of the aid amount allotted for that fire department; and
 - (b) Be listed on Form KSA-2, Proof of Purchase, with receipts.
- (4) If expenditure is made of an allotted fund, copies of receipted bills shall be forwarded by the volunteer fire department aid coordinator to the commission. If the grant is to be used toward the retirement of a preexisting debt for purchase of land, buildings or equipment, proof of the expenditure in the form of an affidavit or cancelled note shall be furnished to the commission. A false statement made knowingly by an applicant shall call for refund of grant monies and prosecution under existing statutes.

Section 6. Incorporation by Reference.

- (1) The following material is incorporated by reference:
- (a) Fire Department Information, Form KSA-1, July 14, 1998;
 - (b) Firefighter Application, Form KFS-2, July 14, 1998;
 - (c) Fire Department Application, Form KFS-3, July 14, 1998; and
 - (d) Proof of Purchase, Form KSA-2, July 14, 1998.
- (2) This material may be inspected, copied, or obtained at the Commission on Fire Protection Personnel Standards and Education, 1049 U.S. 127 South, Suite #5, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (19 Ky.R. 2189; Am. 2431; eff. 5-10-93; 25 Ky.R. 1205; 1610; eff. 1-8-99; 26 Ky.R. 220; 618; eff. 9-16-99; recodified from 815 KAR 45:080, 3-27-2002.)

739 KAR 2:060. Certification and qualifications of fire protection instructors.

RELATES TO: KRS 95A.040(2)(b)

STATUTORY AUTHORITY: KRS 95A.050(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95.040(b) authorizes the Commission on Fire Protection Personnel Standards and Education to certify fire protection instructors. This administrative regulation sets forth the prerequisite for and justification of those instructors.

Section 1. Definitions.

(1) A "certified professional firefighter" means a firefighter who meets the requirement of KRS 95A.210 and 95A.230.

(2) "Certified volunteer firefighter" means an individual who has received at least 150 hours of certified training as recognized by the Commission on Fire Protection Personnel Standards and Education and who receives at least twenty (20) hours of certified training annually to maintain certification.

(3) "Commission" means commission as defined by KRS 95A.210(1).

(4) "Educational methodology course" means a course meeting the objectives of NFPA 1041 and conducted by:

(a) KCTCS;

(b) A Kentucky college or university;

(c) The National Fire Academy;

(d) A governmental entity authorized by the National Fire Academy to train within its jurisdiction and approved by the Fire Commission; or

(e) An agency approved by the Fire Commission to train within its jurisdiction.

(5) "Fire department" means a fire department recognized by the commission as defined in KRS 75.400 and Chapter 95.

(7) "Fire protection instructor" or "fire service training officer" means a person certified pursuant to KRS 95A.040(2)(b) and this administrative regulation as qualified to instruct fire protection personnel or oversee the training of fire protection personnel.

(8) "KCTCS" means the Kentucky Community and Technical College System.

Section 2. Level I Fire Protection Instructors.

Persons certified as Level I fire protection instructors shall be authorized to deliver training to the fire department of which they are a member.

(1) Requirements for certification. An individual shall be certified by the commission as a Level I instructor if satisfactory written evidence is submitted to the commission that the individual meets the following criteria:

- (a) Has submitted a completed application that has been approved by his fire chief;
- (b) Is a high school graduate or the equivalent;
- (c) Has two (2) years' experience as a firefighter;
- (d) Is a Kentucky certified firefighter; and
- (e) Submits proof that he has completed a sixteen (16) hour National Fire Academy Instructional Techniques class or a class that has been approved by the commission.

(2) Certification terms. Certification shall expire after a period of three (3) years, unless renewed.

(3) Certification renewal.

(a) Certification shall be renewed if an applicant has:

- 1. Taught at least thirty-two (32) hours, prior to the expiration of his certification; or
- 2. Attended a sixteen (16) hour National Fire Academy Instructor class, or an equivalent approved by the commission.

(b) It shall be the responsibility of the individual instructor and his agency to submit an application for renewal on Form KFI-1, July 14, 1998.

Section 3. Level II Fire Protection Instructors.

Persons certified as Level II instructors shall be authorized to deliver training to a fire department within the Commonwealth upon invitation by that agency.

(1) Requirements for certification. An individual shall be certified by the commission as a Level II fire protection instructor if satisfactory written evidence is submitted to the commission that the individual:

(a) Is qualified by the following:

- 1. Has certified firefighter status;
- 2. Has submitted a completed application that has been approved by his fire chief;
- 3. Is a high school graduate or the equivalent; and
- 4. Has had four (4) years' experience as a firefighter; and

(b) Is further qualified by having completed one (1) of the following:

1. Has completed a minimum of thirty-two (32) hours of an educational methodology course;
or
2. Holds a valid teaching certificate issued by the Kentucky Department of Education and is a certified firefighter; or
3. Is a full-time instructor or faculty member of an institution of higher education in Kentucky, teaching in a fire science or fire technology curriculum; or
4. Holds a valid instructor's certificate issued by an out-of-state fire training agency approved by this commission.

(2) Certification term. Certification shall expire after a period of three (3) years, unless renewed.

(3) Certification renewal.

(a) It shall be the responsibility of the individual instructor and his agency to submit an application for renewal on Form KFI-2, July 14, 1998.

(b) The following shall be required of an applicant seeking renewal of his certification:

1. He shall have taught a minimum of sixty (60) hours during his three (3) year certification period; or

2. He shall have taught a minimum of thirty (30) hours and shall reattend the thirty-two (32) hour educational methodology course.

Section 4. Level III Fire Protection Instructors.

Persons certified as Level III fire protection instructors shall be authorized to deliver training to fire departments or to train persons for Level I and II certification and to train Level II instructors to become Level III fire protection instructors.

(1) An applicant shall be certified as a Level III instructor if the following has occurred:

(a) The fire department of which the applicant is a member applies for his recognition by the commission as a Level III instructor;

(b) The applicant interviewed with the commission, if requested; and

(c) The following written information has been submitted:

1. A completed application and resume;

2. Proof of the applicant's current certification as a Level II fire protection instructor;
and

3. Sufficient evidence of having assisted with the delivery of at least one (1), thirty-two (32) hour educational methodology course or instructional technique class prior to requesting approval as a Level III instructor.

(2) Certification term. Certification shall be made for a period of three (3) years unless the commission determines that the certification shall be revoked, for cause.

(3) Certification renewal.

(a) It shall be the responsibility of the individual instructor to submit an application for renewal prior to expiration of certification. Renewal shall be on Form KFI-3, July 14, 1998.

(b) A renewal applicant shall have delivered at least one (1) educational methodology course or instructional technique class during his three (3) year certification period.

(c) A renewal applicant shall have taught a minimum of sixty (60) hours during his certification period.

(d) A renewal applicant shall attend at least one (1) instructor trainer workshop approved by the commission.

Section 5. Fire Protection Instructor Current Status.

(1) A fire protection instructor who is certified by the commission pursuant to this administrative regulation shall be reclassified as a Level II fire protection instructor and shall conform to this administrative regulation.

(2) To retain current certified status as an instructor, an individual shall meet the renewal criteria for the level for which he is certified.

(3) If an instructor does not meet Level II requirements, he shall revert to Level I status.

(4) If an instructor does not meet the criteria for Level I status, his fire protection instructor certification shall be revoked.

Section 6. Revocation of Certification.

The commission may revoke certification if, after reasonable notice and a hearing, it is determined that there was:

(1) A material misstatement or misrepresentation in any document furnished the commission to obtain the issuance or renewal of a certification;

(2) Falsification of training records; or

(3) An act of misconduct, negligence, malfeasance.

Section 7. Appeal.

(1) A fire protection instructor notified of intent to revoke his instructor certification, may request a hearing before the commission by submitting a request to be heard, in writing, within fifteen (15) days from the date of receipt of the letter of notification.

(2) A hearing shall be conducted at the next regularly scheduled meeting of the commission or within thirty (30) days, whichever is first.

(3) The decision of the commission shall be rendered in writing within ten (10) days of the termination of the hearing.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Level I Certification Application and Renewal, Form KFI-1. July 14, 1998.

(b) Level II Certification Application and Renewal, Form KFI-2, July 14, 1998.

(c) Level III Certification Application and Renewal, Form KFI-3, July 14, 1998.

(2) This material may be inspected, copied, or obtained at the Commission on Fire Protection Personnel Standards and Education, 1049 U.S. 127 South, Suite #5, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (19 Ky.R. 2192; Am. 2434; eff. 5-10-93; 25 Ky.R. 1209; 1613; 2374; eff. 2-24-99; recodified from 815 KAR 45:090, 3-27-2002.)

739 KAR 2:070. Volunteer fire department loan fund.

RELATES TO: KRS 95A.262(4), (5), (13), (14)

STATUTORY AUTHORITY: KRS 95A.240

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.262 authorizes the Commission on Fire Protection Personnel Standards and Education to make low interest loans for the purchase of major equipment and construction of facilities to properly trained volunteer fire departments which do not have other sources of funds at rates which are favorable given their financial resources. This administrative regulation is necessary to establish the criteria for qualifying for the loan and the mandatory procedures to be followed in obtaining and repaying the loan.

Section 1. Definitions.

(1) "Accessory equipment" means ladders, hoses, self-contained breathing apparatus, portable pump and hard suction hoses, nozzles, power extrication tools and protective equipment necessary to carry out the ordinary functions of supporting firefighting activities.

(2) "Apparatus equipment" means pumpers, tankers and other large equipment used for fighting fires and emergencies. This equipment is more specifically categorized as follows:

(a) "Pumper" means any pumper which can pump 500, 750, 1,000, 1,250 or 1,500 gallons per minute at 150 pounds per square inch net pumping pressure.

(b) "Tanker" means a mobile water supply fire apparatus with a water capacity of 1,000 gallons or more and a minimum flow rate to pump connection of 500 gallons per minute except when a booster pump is provided.

(c) "Rescue-pumper" means an apparatus capable of pumping a minimum of 250 gallons per minute at 150 PSI net pumping pressure, carrying a minimum of 500 gallons of water.

(3) "Approved" means approved by the commission or its authorized designee for a particular purpose.

(4) "Commission" means commission as defined by KRS 95A.210.

(5) "Committee" means the loan committee of the Commission on Fire Protection Personnel Standards and Education.

(6) "Communications equipment" means equipment or system, or both, necessary for the transmission and reception of signals, by voice, required to support the operations of the volunteer fire department.

(7) "Eligible" means a volunteer fire department that has met the training requirements and is in good standing for receipt of state aid pursuant to 739 KAR 2:050 and the loan request requirements of this administrative regulation.

(8) "Emergency" means fire department equipment, apparatus or facilities have been damaged, destroyed or rendered inoperable and established firefighting capacity is reduced to a level affecting public safety.

(9) "Facilities" means any structure or portion of a structure intended for storage or protection of firefighting equipment including rooms or spaces designed and used for firefighting training.

(10) "Local government" as defined by KRS 95A.210(3).

(11) "NFPA" means the National Fire Protection Association.

(12) "Protective equipment" means clothing or equipment used by firefighters which affords protection from injury to the wearer or user including, but not limited to, fire coats, boots, helmets and turnout pants meeting current NFPA standards.

(13) "UL" means Underwriters Laboratories.

(14) "Volunteer fire department" means a fire department recognized by the Commission on Fire Protection Personnel Standards and Education as having a membership of more than fifty (50) percent of its members being full-time volunteer firefighters.

(15) "Volunteer fire department loan fund" means the fund established pursuant to KRS 95A.262(14).

Section 2. Eligibility.

(1) A volunteer fire department may apply to the commission to receive low interest loans for the purchase of major equipment and facility construction pursuant to the requirements of this administrative regulation.

(2) Eligibility to participate in the loan fund shall be limited to those volunteer fire departments meeting the training requirements of KRS 95A.262(2) and continue in good standing to receive state aid, and which the commission finds are unable to obtain loans from conventional financial institutions at the rate of three (3) percent.

(3) A loan shall be considered from only one (1) fire department when more than one (1) department resides at the same physical location.

Section 3. Loan Purposes and Prohibitions.

(1) Purposes. The commission shall consider a loan for the following purposes:

- (a) The acquisition of apparatus equipment;
- (b) The acquisition of communication equipment;
- (c) The acquisition of accessory equipment or protective equipment;
- (d) The construction of new facilities;
- (e) The modernization of existing facilities; and

- (f) The repair or rehabilitation of apparatus equipment where it has been determined that existing apparatus equipment no longer meets the standards of the NFPA and where the repair or rehabilitation, or both, of the equipment will bring it in compliance with NFPA standards.

(2) Prohibitions. A loan granted under this administrative regulation shall not be used for the following:

- (a) Operating expenses;
- (b) For payment of fees for the designing or planning of facilities or preparation of application; or
- (c) For investment or reinvestment.

Section 4. General Loan Requirements.

(1) Loan period. A loan period shall not exceed twelve (12) years. The period of time for repayment of the loan shall depend upon the amount of the loan and shall be set forth in the loan agreement. Except in the case of approved emergency loans, the minimum amount of a loan shall be \$5,000.

(2) Title of property. Any apparatus equipment or facilities financed by a loan from the fund shall be titled in the name of the volunteer fire department or in the name of the political subdivision with the commission as lien holder for the property. In the event the commission is supplying secondary funding, the commission shall become holder of a secondary encumbrance.

(3) Fire department matching funds. A prerequisite to obtaining a loan for facilities, vehicles, or rehabilitation of facilities, vehicles, or equipment, the volunteer fire department shall verify the availability of unobligated funds in the amount of twenty-five (25) percent of the total cost of the facility, vehicle, or equipment or rehabilitation of the facility, vehicle, or equipment.

(4) Financial responsibility. A copy of the last twelve (12) monthly bank statements must accompany the loan application.

(5) Repayment of loans.

- (a) Interest on the principal amount of the loan shall accrue at the rate of three (3) percent per annum and shall be due and payable on the unpaid balance annually.
- (b) The principal of the loan shall be repaid proportionally over the period of the loan. The principal may be reduced at any time through advanced payment.
- (c) The principal and interest of the loan shall be payable at the office designated on the loan approval form, with the payment being deducted from the state aid allotment for that year with any additional payment due or desired be made by check made payable to the Kentucky State Treasurer.
- (d) A payment shall be made before the close of business on the due date or it shall be considered delinquent.

- (e) Delinquent accounts shall not receive further loans or grants for state aid or training facilities until the delinquency is cured. If the delinquency of the account extends beyond three (3) months of distribution of the state aid check, foreclosure or repossession procedures shall begin.
- (f) A portion of future state aid grants may be committed by the volunteer fire department to satisfy its loan agreement.
- (g) Insurance. The volunteer fire department shall provide collateral protection insurance for the apparatus, equipment and facility construction sufficient to secure and protect the loan.
- (6) Emergency loans. An eligible volunteer fire department may be granted an approved emergency loan pursuant to this administrative regulation.

Section 5. Loan Requirements for Fire Department Facility Construction.

A request for a construction loan for fire department facilities shall meet the requirements of this section and other applicable requirements of this administrative regulation.

- (1) A facility loan shall be granted for establishing or modernizing those facilities that house firefighting equipment.
- (2) A facility loan shall not exceed seventy-five (75) percent of the total cost of the construction of the facility or \$75,000, whichever is less.
- (3) A facility loan shall not be used for land acquisition.
- (4) Land title. The title to the land upon which facilities are to be constructed or modernized under the loan shall be in the name of the volunteer fire department or the local government which the volunteer fire department serves.
- (5) Clear title. The volunteer fire department or the political subdivision for which the volunteer fire department provides service shall have clear title to the land upon which the facility is to be constructed or modernized.
- (6) Real property liens. Concurrent with the receipt of the loan, the volunteer fire department shall provide a copy of the deed and execute a lien document to be filed in the county court clerk's office in which the property is located.
- (7) Plans approval. Final plans for construction shall be submitted for approval to the Department of Housing, Buildings and Construction or to an authorized local building official with a copy to the commission. The volunteer fire department shall be responsible for complying with the Kentucky Building Code, the Americans with Disabilities Act and other applicable laws. If any change to the plans or specifications is desired or required, the volunteer fire department shall furnish all additional labor and materials necessary to complete the project and the improvements in compliance with the changes to the plans and specifications.
- (8) A certificate of occupancy shall be submitted to the commission by the volunteer fire department prior to release of loan funds.

Section 6. Apparatus Equipment.

(1) Loan limits.

- (a) The amount of a loan for the purchase of a single apparatus equipment shall not exceed \$75,000 or seventy-five (75) percent of the total cost, whichever is less. The apparatus being purchased with the loan funding shall not be more than twenty (20) years old and a copy of a pump test conducted within the last year must accompany necessary documentation for the loan.
- (b) The amount of a loan for the repair or rehabilitation for a single apparatus equipment shall not exceed \$35,000 or seventy-five (75) percent of the cost of repair or rehabilitation, whichever is less, and the apparatus shall not be more than twenty (20) years old.

(2) Apparatus loans. An apparatus loan shall be for the purpose designated in the loan request and approved by the commission for the following purposes:

- (a) The purchase of firefighting apparatus equipment;
- (b) The rehabilitation of existing apparatus equipment for the purpose of upgrading the apparatus to meet applicable National Fire Protection Association standards; and
- (c) Repair of existing apparatus.

(3) Mandatory description or specification of equipment.

- (a) New apparatus. The volunteer fire department shall submit one (1) complete set of specifications of the new apparatus.
- (b) Repairs and rehabilitation. For the repair or rehabilitation of existing apparatus equipment, the volunteer fire department shall submit one (1) complete set of specifications along with three (3) estimates from qualified manufacturers for the repair or rehabilitation. If less than three (3) estimates are available, a statement shall be submitted explaining the reason why there are less than three (3).
- (c) Purchase of used apparatus equipment. For used apparatus equipment, the volunteer fire department shall submit documentation of the type and quality of the equipment.
- (d) Refurbished fire apparatus. For refurbished fire apparatus, the volunteer fire department shall submit the following:
 - 1. Certification of refurbished equipment.
 - 2. Pump test at time of purchase.
 - 3. Any additional information which the loan committee may request.
- (e) Loans will only be granted on repairable equipment and apparatus which are not more than twenty (20) years old and a pump test shall be submitted upon completion of repairs and must meet NFPA pump test requirements and acceptance.

- (4) Compliance with National Fire Codes. The volunteer fire department shall submit to the commission verification that the new equipment is NFPA 1901-91 equipment.
- (5) Prerequisite materials. The volunteer fire department shall record a lien on the affected vehicle title documents in the local county court clerk's office.

Section 7. Protective, Accessory and Communication Equipment.

- (1) An equipment loan shall be used for the purchase of protective, accessory and communication equipment.
- (2) Equipment compliance.
 - (a) A volunteer fire department shall select protective and accessory equipment that shall be labeled as having been tested and listed by an approved nationally recognized testing agency.
 - (b) A volunteer fire department shall select communications equipment identified as meeting Federal Communications Commission regulations, 5 CFR Part 89.
- (3) The amount of a loan for the purchase of equipment shall not exceed the lesser of \$75,000 or seventy-five (75) percent of the total cost price quote accepted by the borrower and submitted by the borrower as the accepted quote for purchase.
- (4) Security interest. The commission shall retain a security interest in the property for the life of the loan.

Section 8. Loan Request Procedure.

- (1) An applicant seeking a low interest loan shall submit Form FPPSE-1, April, 1993, to the commission.
- (2) The commission administrator shall review the application and status of the volunteer fire department to determine if the minimum criteria for obtaining the loan has been met.
- (3) The commission administrator shall notify the volunteer fire department of the disposition of the loan application, forwarding final forms to those eligible volunteer fire departments whose applications are satisfactory.

Section 9. Establishing Priorities.

- (1) A loan shall be reviewed for the applicant's stated purpose in the following order of preference:
 - (a) A request for replacement or repairs of unsafe or unusable fire apparatus, equipment or facilities.
 - (b) A request for replacement of outmoded fire apparatus, equipment or facilities.
 - (c) A request for additional apparatus, equipment or facilities because of unusual demands or present service.

(2) Priority shall first be given to applicants establishing the greatest need, utilizing the following criteria, not excluding other considerations.

- (a) Financial need.
- (b) Low economic base.
- (c) Unusual fire hazards.
- (d) County fire death rate.
- (e) Population over sixty-five (65).
- (f) Population growth.
- (g) Tax exempt properties.
- (h) New construction.
- (i) Natural disaster.
- (j) High mileage/usage.
- (k) Existing equipment.

(3) Approval shall be granted in order of need and availability of funds for each qualifying volunteer fire department.

Section 10. Formal Application and Qualification Procedure.

(1) To qualify for a loan, an eligible volunteer fire department shall submit Form FPPSE-2, April, 1993, to the commission.

(2) The commission shall render its decision at its next regularly scheduled meeting. Approved emergency loans may be granted prior to the regularly scheduled meeting.

(3) An eligible volunteer fire department aggrieved by a decision of the commission, may petition the commission, in writing, for reconsideration and the commission, upon receiving the request, shall provide the applicant with an opportunity to be heard at its next meeting.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) Form FPPSE-1, April, 1993, Loan Application Request Form.
- (b) Form FPPSE-2, April, 1993, Low Interest Loan Application.

(2) This material may be inspected, copied or obtained at the Commission on Fire Protection Personnel Standards and Education, 1049 U.S. 127 South, Suite 5, Frankfort, Kentucky 40601,

Monday through Friday, 8 a.m. to 4:30 p.m. (19 Ky.R. 2577; Am. 20 Ky.R. 85; eff. 7-12-93; 25 Ky.R. 1213; 1616; 2377; eff. 2-24-99; recodified from 815 KAR 45:100, 3-27-2002.)