# GENERAL ASSEMBLY
## COMMONWEALTH OF KENTUCKY

## 2016 REGULAR SESSION

SENATE BILL NO. 195

THURSDAY, FEBRUARY 25, 2016

The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED
DATE April 1, 2016
4:32pm - Allowed to become law without Governor's signature
ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to firefighters and declaring an emergency.

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

3 ➔Section 1. KRS 61.315 is amended to read as follows:

4 (1) As used in this section, "police officer" means every paid police officer, sheriff, or
5 deputy sheriff, corrections employee with the power of a peace officer pursuant to
6 KRS 196.037, any metropolitan or urban-county correctional officer with the power
7 of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary
8 police officer appointed pursuant to KRS 95.445, any police officer of a public
9 institution of postsecondary education appointed pursuant to KRS 164.950, or any
10 citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, elected
11 to office, or employed by any county, airport board created pursuant to KRS
12 Chapter 183, city, or by the state; "firefighter" means every paid firefighter or
13 volunteer firefighter who is employed by or volunteers his or her services to the
14 state, airport board created pursuant to KRS Chapter 183, any county, city, fire
15 district, or any other organized fire department recognized, pursuant to KRS
16 95A.262, as a fire department operated and maintained on a nonprofit basis in the
17 interest of the health and safety of the inhabitants of the Commonwealth and shall
18 include qualified civilian firefighters employed at Kentucky-based military
19 installations.

20 (2) The spouse of any police officer, sheriff, deputy sheriff, corrections employee with
21 the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-
22 county correctional officer with the power of a peace officer pursuant to KRS
23 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant
24 to KRS 95.445, any police officer of a public institution of postsecondary education
25 appointed pursuant to KRS 164.950, or any citation or safety officer appointed
26 pursuant to KRS 83A.087 and 83A.088, firefighter, or member of the Kentucky
27 National Guard on state active duty pursuant to KRS 38.030, or a member of a state

1 National Guard or a Reserve component on federal active duty under Title 10 or 32
2 of the United States Code who names Kentucky as home of record for military
3 purposes, whose death occurs on or after July 1, 2002, as a direct result of an act in
4 the line of duty shall receive a lump-sum payment of eighty thousand dollars
5 ($80,000) if there are no surviving children, which sum shall be paid by the State
6 Treasurer from the general expenditure fund of the State Treasury. If there are
7 surviving children and a surviving spouse, the payment shall be apportioned equally
8 among the surviving children and the spouse. If there is no surviving spouse, the
9 payment shall be made to the surviving children, eighteen (18) or more years of age.
10 For surviving children less than eighteen (18) years of age, the State Treasurer shall:
11 (a) Pay thirty-five thousand dollars ($35,000) to the surviving children; and
12 (b) Hold forty-five thousand dollars ($45,000) in trust divided into equal accounts
13 at appropriate interest rates for each surviving child until the child reaches the
14 age of eighteen (18) years.
15 If a child dies before reaching the age of eighteen (18) years, his or her account shall
16 be paid to his or her estate. If there are no surviving children, the payment shall be
17 made to any parents of the deceased.
18 (3) The Commission on Fire Protection Personnel Standards and Education shall be
19 authorized to promulgate administrative regulations establishing criteria and
20 procedures applicable to the administration of this section as it pertains to both paid
21 and volunteer firefighters, including but not limited to defining when a firefighter
22 has died in line of duty. Administrative hearings promulgated by administrative
23 regulation under authority of this subsection shall be conducted in accordance with
24 KRS Chapter 13B.
25 (4) The Justice and Public Safety Cabinet may promulgate administrative regulations
26 establishing criteria and procedures applicable to the administration of this section
27 as it pertains to police officers, any metropolitan or urban-county correctional

1 officers with the power of a peace officer pursuant to KRS 446.010, or any jailers or
2 deputy jailers, including but not limited to defining when one has died in line of
3 duty. Administrative hearings promulgated by administrative regulation under
4 authority of this subsection shall be conducted in accordance with KRS Chapter
5 13B.
6 (5) The Department of Corrections shall promulgate administrative regulations
7 establishing the criteria and procedures applicable to the administration of this
8 section as it pertains to correctional employees, including but not limited to defining
9 which employees qualify for coverage and which circumstances constitute death in
10 the line of duty.
11 (6) The estate of anyone whose spouse or surviving children would be eligible for
12 benefits under subsection (2) of this section, and the estate of any regular member
13 of the United States Armed Forces who names Kentucky as home of record for
14 military purposes whose death occurs as a direct result of an act in the line of duty,
15 shall be exempt from all probate fees, including but not limited to those established
16 by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or
17 imposed under KRS 24A.185, 64.012, and 172.180.
18 (7) The benefits payable under this section shall be in addition to any benefits now or
19 hereafter prescribed under any police, sheriff, firefighter's, volunteer firefighter's, or
20 National Guard or Reserve retirement or benefit fund established by the federal
21 government or by any state, county, or any municipality.
22 (8) Any funds appropriated for the purpose of paying the death benefits described in
23 subsection (2) of this section shall be allotted to a self-insuring account. These
24 funds shall not be used for the purpose of purchasing insurance.
25 ***(9) (a) For the purposes of this section, if a firefighter dies as a result of cancer,***
26 ***the death shall be a direct result of an act in the line of duty if the***
27 ***firefighter:***

1 *1. Was a firefighter for at least five (5) consecutive years;*
2 *2. Developed one (1) or more of the cancers listed in paragraph (b) of*
3 *this subsection which caused the firefighter's death within ten (10)*
4 *years of separation from service as a firefighter;*
5 *3. Did not use tobacco products for a period of ten (10) years prior to the*
6 *diagnosis of cancer;*
7 *4. Was under the age of sixty-five (65) at the time of death;*
8 *5. Was not diagnosed with any cancer prior to employment as a*
9 *firefighter; and*
10 *6. Was exposed while in the course of firefighting to a known carcinogen*
11 *as defined by the International Agency for Research on Cancer or the*
12 *National Toxicology Program, and the carcinogen is reasonably*
13 *associated with one (1) or more of the cancers listed in paragraph (b)*
14 *of this subsection.*
15 *(b) This section shall apply to the following cancers:*
16 *1. Bladder cancer;*
17 *2. Brain cancer;*
18 *3. Colon cancer;*
19 *4. Non-Hodgkin's lymphoma;*
20 *5. Kidney cancer;*
21 *6. Liver cancer;*
22 *7. Lymphatic or haematopoietic cancer;*
23 *8. Prostate cancer;*
24 *9. Testicular cancer;*
25 *10. Skin cancer;*
26 *11. Cervical cancer; and*
27 *12. Breast cancer.*

1 ***(c) 1. The provisions of this subsection creating an entitlement to the line of***
2 ***duty death benefits shall apply exclusively to this section and shall not***
3 ***be interpreted or otherwise construed to create either an express or***
4 ***implied presumption of work-relatedness for any type of claim filed***
5 ***pursuant to KRS Chapter 342.***
6 ***2. This paragraph is intended to provide clarification regarding the sole***
7 ***and exclusive application of this subsection to only the benefits***
8 ***available under this section and shall not be used as a bar or other***
9 ***type of limitation to impair or alter the rights and ability of a claimant***
10 ***to prove work-relatedness under KRS Chapter 342 or other laws.***
11 ➔Section 2. Whereas firefighters' service to our Commonwealth is of utmost
12 importance for the health and safety of our citizens, and those firefighters are exposed to
13 dangerous carcinogens protecting the citizens of the Commonwealth, an emergency is
14 declared to exist and this Act takes effect upon its passage and approval by the Governor
15 or upon its otherwise becoming law.

President of Senate

Speaker-House of Representatives

Attest: Chief Clerk of Senate

Approved Governor

Date