

**95.851 Definitions for KRS 95.851 to 95.884 and 95.991.**

Words and phrases, used in KRS 95.851 to 95.884 and KRS 95.991, unless a different meaning is clearly indicated by the context, shall have the following meanings:

- (1) "Fund" shall mean the "Policemen's and Firefighters' Retirement Fund of the City of \_\_\_\_\_."
- (2) "City" shall mean any city that was previously classified as a city of the second class prior to August 1, 1988, under the city classification system that was in effect prior to August 1, 1988, or to any other city that established a policemen's and firefighters' retirement fund specifically under the provisions of KRS 95.851 to 95.884 prior to August 1, 1988.
- (3) "Department" shall mean the police department or the fire department of a city.
- (4) "Board" shall mean the board of trustees provided for herein as the agency responsible for the direction and operation of the affairs and business of the fund. The board shall hold title to all assets of the fund.
- (5) "Member" shall mean any member of the police or fire department who is included in the membership of the fund.
- (6) "Service" shall mean actual employment in a department of a city for salary or compensation, or service otherwise creditable as herein provided.
- (7) "Prior service" shall mean service rendered prior to the date of establishment.
- (8) "Membership service" shall mean service rendered on or after the date of establishment.
- (9) "Total service" shall mean prior service, membership service, and military service.
- (10) "Regular interest" shall mean such rate of interest as shall be fixed by the board, provided that for the first five (5) years of operation of the fund the rate shall be three percent (3%) per annum, compounded annually.
- (11) "Occupational disability" shall mean disability due to occupational causes, including but not limited to injury or disease. The presumption of contracting disease "while on active duty as a result of strain or the inhalation of noxious fumes, poisons or gases" created by KRS 79.080 shall be a presumption of "occupational disability" hereunder.
- (12) "Occupational death" shall mean death due to occupational causes, including but not limited to injury or disease.
- (13) "Average salary" shall mean the highest average annual salary of the member for any three (3) consecutive years of service within the total service of the member, and includes employee contributions picked up by the employer pursuant to KRS 65.155.
- (14) The masculine pronoun, wherever used, shall include the feminine pronoun; also, widow shall include widower.
- (15) The fiscal year of the fund shall date from July 1 of any year to June 30 of the next year following.
- (16) "Total disability" shall mean a disability which substantially precludes a person

from performing with reasonable regularity the substantial and material parts of any gainful work or occupation in the service of the department that he would be competent to perform were it not for the fact that the impairment is founded upon conditions which render it reasonably certain that it will continue indefinitely.

**Effective:** January 1, 2015

**History:** Amended 2014 Ky. Acts ch. 92, sec. 146, effective January 1, 2015. -- Amended 1982 Ky. Acts ch. 166, sec. 50, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 188, sec. 81, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 164, sec. 48, effective July 17, 1978. -- Amended 1974 Ky. Acts ch. 396, sec. 1. -- Created 1956 Ky. Acts ch. 16, sec. 3, effective July 1, 1956.

**Legislative Research Commission Note** (11/21/96). In 1974, the Reviser of Statutes renumbered KRS 95.885 as KRS 95.991. 1980 Ky. Acts ch. 188, sec. 81, a revisory act, mistakenly changed a reference in this statute from "KRS 95.851 to 95.885" to "KRS 95.851 to 95.991." Because this change would appear to effect a substantive change in the law, it has been disregarded, and the reference has been made to read "KRS 95.851 to 95.884 and KRS 95.991" under KRS 7.123(4) and 7.136(1)(a).