

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6845

BILL NUMBER: HB 1625

NOTE PREPARED: Feb 6, 2023

BILL AMENDED:

SUBJECT: Various Public Safety Matters.

FIRST AUTHOR: Rep. Bartels

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Conservancy District* - This bill provides that a conservancy district (district) in which each director of the board has been elected to the board may employ a district marshal or deputy district marshal. It provides that the Law Enforcement Training Board shall adopt rules establishing a town marshal and conservancy district marshal basic training program. (Current law provides that the law enforcement training board shall adopt rules establishing a town marshal basic training program.) It provides that the district marshal is the chief police officer of the district and has the powers of other law enforcement officers in enforcing laws. It adds a district marshal or deputy district marshal to certain definitions of "police officer", "officer", or "law enforcement officer".

Fire Training Authorization - The bill provides that after obtaining an initial permit or authorization to conduct fire training exercises, a fire department, including a volunteer fire department, is not required to obtain subsequent permits or authorization from the Department of Environmental Management or a unit of local government before conducting fire training exercises located at the same location authorized in the initial permit or authorization.

The bill also makes conforming and technical amendments.

Effective Date: July 1, 2023.

Explanation of State Expenditures: *Special Death Benefit*: The bill makes district marshals and deputy district marshals eligible for the special death benefit. The bill could increase expenditures from the Special Death Benefit Fund if the proposal increases the number of people eligible for the Special Death Benefit who die in the line of duty. The survivors of an individual who dies in the line of duty receive a benefit amount

of \$225,000.

Indiana Public Retirement System (INPRS): The bill's requirements could increase workload for INPRS to make administrative changes. INPRS administers the Special Death Benefit Fund and the 1977 Police Officers' and Firefighters' Pension and Disability Fund ('77 Fund). The costs of administering the fund are paid from the fund.

Indiana Law Enforcement Academy (ILEA): A conservancy district marshal basic training program would be under ILEA's Tier II basic training which handles training for town marshals. In addition, a conservancy district marshal may enroll in the executive training program. To the extent that a conservancy district employs district marshals or deputy district marshals that need training, expenditures and workload may increase for ILEA. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend on legislative and administrative actions.

Law Enforcement Training Board (LETB): The bill's requirements to adopt rules for a conservancy district marshal basic training program are within the agency's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Indiana Department of Environmental Management (IDEM): The bill may have a decrease in expenditures and workload to the extent IDEM has to authorize less local fire departments and volunteer firefighters for fire training exercises. However, IDEM would need to adjust the Open Burning Rule. Under current law, IDEM requires prior approval for live fire training with only allowing an exemption for municipal fire departments that meets all the conditions in the Open Burning Rule [326 IAC 4-3-1(c)(9)].

Explanation of State Revenues:

Explanation of Local Expenditures: *77 Fund:* The bill adds full-time conservancy district marshals and deputy conservancy marshals to the '77 Fund. Conservancy districts who employ district marshals or deputy district marshals will have increased expenditures for employee pensions. Local employers with employees in the '77 Fund pay an employer contribution rate for employee pensions as a percentage of employee salary. The employer contribution rate for the '77 Fund is 18% for calendar year 2023.

If affected employees are able to receive service credits for prior service as a district marshal or deputy district marshal, conservancy districts would have additional expenditures to contribute funds necessary to cover the individual's prior service liability. The marshal would also be required to contribute an employee contribution amount equal to the amount that they would have contributed had they been members of the '77 Fund during their prior service.

Conservancy District: The bill could increase expenditures and workload to the extent of a conservancy district employs a district marshal or deputy district marshal. The board of a conservancy district may adopt rules detailing the number, the pay, the duties, and disciplinary removal and appeal procedures of the district marshal. The board of a conservancy district may set the amount deputy district marshals through resolution. The district marshals and deputy district marshals would have police powers similar to other police officers. Additional expenditures may occur if the conservancy district covers the cost of training, equipment purchases such as body armor, and equipment maintenance. As of 2019, there were 137 conservancy districts with 28 of those dissolved and 11 inactive.

Fire Training Exercises: If local fire departments and volunteer fire departments had already received a authorization from IDEM to conduct live fire training, this bill could reduce workload for local fire departments and volunteer fire departments to the extent that the fire departments need to conduct live fire training at the same spot as the authorization.

Explanation of Local Revenues:

State Agencies Affected: Indiana Law Enforcement Academy, Indiana Department of Environmental Management, Indiana Public Retirement System.

Local Agencies Affected: Conservancy districts, local fire protection agencies.

Information Sources: INPRS. 2022-2023 Employer Contribution Rate Information.
<https://www.in.gov/inprs/employers/employer-communication/er-contribution-rate-info/> ;
DNR. Indiana 2019 Directory Update Indiana Conservancy Districts.
https://www.in.gov/dnr/water/files/con_dist_dir.pdf;
[in.gov/idem/files/factsheet_oaq_compliance_fire_training.pdf](https://www.in.gov/idem/files/factsheet_oaq_compliance_fire_training.pdf); 326 IAC 4-1

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