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FISCAL IMPACT STATEMENT

LS 6642

BILL NUMBER: HB 1082

NOTE PREPARED: Dec 19, 2005

BILL AMENDED:

SUBJECT: Public safety disability presumption.

FIRST AUTHOR: Rep. Kersey

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that an individual who: (1) is employed full-time as an emergency or public safety employee; and (2) also serves as a volunteer firefighter, emergency medical technician, or first responder; is entitled to a presumption that, if the individual is diagnosed with certain health conditions resulting in disability or death, for purposes of qualification for certain benefits the disability or death was incurred in the line of duty.

Effective Date: July 1, 2006.

Explanation of State Expenditures: This bill provides that emergency or public safety employees who also serve in a volunteer status are entitled to a presumption that a disability or death from certain health conditions was incurred in the line of duty in the full-time position. The responsibility to disprove the presumption is on the employer. [Under current statute, emergency or public safety employees who also serve in a volunteer status are disqualified from using this presumption, and the burden of proving that the disability or death was incurred in the line of duty while in the full-time position is on the employee.] Changing the burden of proof may tend to increase the likelihood that the disability or death benefits will be paid by the employer of the full-time employee, rather than by the volunteer department. Changing the burden of proof requirements in favor of the employee may also tend to increase the likelihood that there could be an increase in expenditures, the amount of which is not known.

Potential agencies affected by this bill include the State Police, conservation and excise officers, correctional officers, and emergency services employees, and any other public safety agency that has employees who serve as volunteers in the listed capacities: (A) volunteer firefighter; (B) emergency medical technician; and (C) first

responder. The funds affected are the: (1) State Police Pension Plan; (2) Conservation and Excise Officers' Retirement Fund; and (4) Public Employees' Retirement Fund (PERF).

Background Information: In Indiana, in 2003, of 55,747 total deaths, there were 212 deaths attributable to hepatitis, meningococcal meningitis, tuberculosis, hepatitis, and AIDS or HIV. There likely will be a fiscal impact associated with this proposal, but it is expected to be relatively minor. The actuarial assumptions and funding methods for the above-mentioned plans would not be changed. Any increased cost would be treated as an actuarial loss and amortized over 30 years. It is not known how many additional people might be affected by this proposal.

Explanation of State Revenues:

Explanation of Local Expenditures: The potential agencies affected by this bill include local police and firefighters, county police officers, county sheriffs, town marshals, deputy town marshals, and emergency medical services providers. The funds affected would be the: 1925 Police Fund; 1937 Fire-fighters' Fund; the 1953 Police Fund; the 1977 Police Officers' and Firefighters' Disability Fund; county sheriff plans; and PERF.

Explanation of Local Revenues:

State Agencies Affected: State Police; Department of Natural Resources; Excise Police; Department of Corrections; and any agency with emergency medical providers, and those who have employees who serve as a volunteer in the listed capacities of the bill.

Local Agencies Affected: Counties, cities, towns, and townships.

Information Sources: Doug Todd of McCready & Keane, Inc., actuaries for PERF, the State Police, Conservation and Excise Officers' Fund, Police and Fire Funds, and many of the county sheriff plans, 317-576-1508; Anika Williams, Government Documents Librarian, State Library, 317-232-3678.

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