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FISCAL IMPACT STATEMENT

LS 6947

BILL NUMBER: SB 285

NOTE PREPARED: Mar 2, 2006

BILL AMENDED: Mar 1, 2006

SUBJECT: Emergency Management.

FIRST AUTHOR: Sen. Wyss

FIRST SPONSOR: Rep. Ruppel

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill requires the Department of Homeland Security (DHS) to establish a program to certify emergency management organizations and professional emergency managers. It requires a county emergency management organization or an interjurisdictional disaster agency in which a county participates to be certified as an emergency management organization.

It provides for the establishment of an interjurisdictional disaster agency advisory council. It provides for the appointment of representatives from certain organizations and units of government to a county emergency management advisory council and a interjurisdictional disaster agency advisory council. It requires a county emergency management director to be certified as a professional emergency manager.

It provides that vehicles owned by the DHS, county emergency management organizations, and interjurisdictional disaster agencies may be designated as emergency vehicles.

The bill provides that a county may establish a county emergency operations center and fund the center with any available funds.

Effective Date: July 1, 2006.

Explanation of State Expenditures: In order to implement the provisions of the bill, DHS does not anticipate that it will need additional staff or resources. DHS will be able to handle any additional costs and responsibilities given its existing level of budget and staff resources. DHS currently has certification training in place.

Background: Under the proposal, DHS must establish and implement a professional emergency management certification program. DHS must establish standards for disaster emergency plans and education and training standards for emergency managers and instructors. Additionally, DHS must approve written competency examinations and issue two-year certificates, provisional certificates, and renewal certificates.

If DHS determines that a certificate holder has engaged in fraud or other deceptive practices pertaining to professional emergency management services, requirements, or activities, the certificate holder may be subject to sanctions. DHS may revoke, suspend, issue a letter of reprimand, temporarily suspend, reinstate a suspended certificate, or deny a certificate to an applicant. DHS may also prohibit the applicant from reapplying for a certificate for a length of time established by the DHS. A certificate holder may not surrender the certificate without the written approval of DHS. DHS may also impose disciplinary or corrective measures. DHS must be consistent in the application of sanctions. Significant departures from prior decisions involving similar conduct must be explained in DHS's findings and orders. Applicants may appeal DHS decisions.

DHS must adopt rules to implement these provisions.

Explanation of State Revenues: *Penalty Provision.* An individual who violates the provisions pertaining to certification of the director commits a Class C infraction. Each day of violation constitutes a separate infraction. If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund. The individual could also be subject to sanctions as described below.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures: (Revised) The proposal requires that the county emergency management organization or the interjurisdictional disaster agency must be certified. A disaster agency director must be certified as a professional emergency manager, and a county organization or a disaster agency must be supervised by a full-time, certified disaster director. A county emergency management organization that exists on July 1, 2006, or an interjurisdictional disaster agency in which a county participates and that exists on July 1, 2006, and the director are not required to be certified until July 1, 2010.

Political subdivisions must cooperate with and participate in the services of the county emergency management organization or interjurisdictional disaster agency that serves the county. For all matters relating to emergency management, the single point of contact between the county, the political subdivisions in the county, and the agency is the county emergency management director or the interjurisdictional emergency management director.

Counties must provide the county emergency management director and personnel appropriate office space, equipment, and vehicles, among other necessities.

A county emergency management director must appoint staff and employees of the county emergency management organization with the approval of the county emergency management advisory council. The county must establish a primary and one or more secondary control centers to serve as command posts during an emergency or disaster.

Political subdivisions that seek to establish an interjurisdictional disaster agency must enter into an agreement

that sets forth the duration of the agency and the establishment of an advisory council which must include certain members. The agreement must also include other staffing, budget, and property determinations.

The council must supervise emergency management and disaster programs and select or cause to be selected an interjurisdictional emergency management director who has direct responsibility for the organization, administration, and operation of the program and who must appoint staff with the approval of the council. The director must be certified as a professional emergency manager.

Political subdivisions that enter into an agreement must submit the agreement to the DHS director with a request to establish an interjurisdictional disaster agency. The director must approve or deny the request and forward it to the Governor for approval.

Political subdivisions must file a copy of the agreement with the State Board of Accounts (SBA) not more than 60 days after the agreement takes effect.

The bill provides for provisional certification and for the certification as a manager. Certificates expire after two years. A manager must keep DHS informed of the county organization or disaster agency that employs or supervises the manager's activities. A manager must report any action by a person, an organization, or other entity that may justify the revocation or suspension of a certificate.

To establish a county emergency management organization or emergency management program, the county must adopt an ordinance, resolution, or other measure. The interjurisdictional or local agency may require the organization to submit periodic reports. A certified emergency management organization must report to the DHS the actions of a person, an organization, or an entity that may justify the revocation or suspension of a certificate issued. The DHS may find that a certificate holder has engaged in fraud or other specified activities. The DHS may revoke or suspend a certificate or issue a reprimand.

The bill provides that a county may establish a county emergency operations center. It provides that a county that establishes a county emergency operations center may use money from any available source.

The above provisions may add administrative expenses to the counties. The impact is indeterminable, could vary by county, and will depend on existing local emergency management structures.

Explanation of Local Revenues: *Penalty Provision.* If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: DHS.

Local Agencies Affected: Counties, county emergency management advisory councils and county emergency management organizations, and interjurisdictional disaster agencies; trial courts, local law enforcement

agencies.

Information Sources:

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