

# FISCAL NOTE

**STATE OF ALASKA**  
**2012 LEGISLATIVE SESSION**

Bill Version HB351  
 Fiscal Note Number \_\_\_\_\_  
 () Publish Date \_\_\_\_\_

Identifier (file name) HB351-DPS-APSC-03-31-12 Dept. Affected Public Safety  
 Title POLICE OFFICER PROTECTIONS/CERTIFICATION Appropriation Alaska Police Standards Council  
 Allocation Alaska Police Standards Council  
 Sponsor Representative Hawker  
 Requester House State Affairs Committee OMB Component Number 519

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

|                        | FY13<br>Appropriation<br>Requested | Included in<br>Governor's<br>FY13<br>Request | Out-Year Cost Estimates |      |      |      |      |
|------------------------|------------------------------------|--|-------------------------|------|------|------|------|
| OPERATING EXPENDITURES | FY13                               | FY13   | FY14                    | FY15 | FY16 | FY17 | FY18 |
| Personal Services      | ***                                | ***  | ***                     | ***  | ***  | ***  | ***  |
| Travel                 |                                    |  |                         |      |      |      |      |
| Services               |                                    |  |                         |      |      |      |      |
| Commodities            |                                    |  |                         |      |      |      |      |
| Capital Outlay         |                                    |  |                         |      |      |      |      |
| Grants, Benefits       |                                    |  |                         |      |      |      |      |
| Miscellaneous          |                                    |  |                         |      |      |      |      |
| <b>TOTAL OPERATING</b> | ***                                | ***  | ***                     | ***  | ***  | ***  | ***  |

| FUND SOURCE (Thousands of Dollars) |                  |     |     |     |     |     |     |
|------------------------------------|------------------|-----|-----|-----|-----|-----|-----|
| 1002                               | Federal Receipts |     |     |     |     |     |     |
| 1003                               | GF Match         |     |     |     |     |     |     |
| 1004                               | GF               |     |     |     |     |     |     |
| 1005                               | GF/Prgm (DGF)    |     |     |     |     |     |     |
| 1037                               | GF/MH (UGF)      |     |     |     |     |     |     |
| 1178                               | temp code (UGF)  |     |     |     |     |     |     |
| <b>TOTAL</b>                       |                  | *** | *** | *** | *** | *** | *** |

| POSITIONS |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |

| CHANGE IN REVENUES |  |  |  |  |  |  |  |
|--------------------|--|--|--|--|--|--|--|
|--------------------|--|--|--|--|--|--|--|

**Estimated SUPPLEMENTAL (FY12) operating costs** \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**Estimated CAPITAL (FY13) costs** \_\_\_\_\_ (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**Why this fiscal note differs from previous version (if initial version, please note as such)**

Not applicable, initial version.

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 Approved by Joseph A. Masters, Commissioner  
Department of Public Safety

Phone (907) 465-5523  
 Date/Time 3/31/12 9:29 AM  
 Date 3/31/2012

## FISCAL NOTE

STATE OF ALASKA  
2012 LEGISLATIVE SESSION

BILL NO. HB351

### Analysis

This bill establishes procedures relating to the issuance, suspension, and revocation of certification of police officers by the Alaska Police Standards Council (APSC); makes court services officers subject to certification by the APSC; makes confidential certain information that personally identifies a police officer; and prohibits public employers of police officers from requiring police officer applicants or employees to submit to a lie detector test.

The potential fiscal impact to the Department of Public Safety (DPS) relates to the portions of this bill that make binding on the Alaska Police Standards Council (APSC) decisions issued as a result of arbitration, grievance, or administrative hearing proceedings (to include reversal of disciplinary actions) and that preclude APSC from holding revocations hearings prior to a decision being issued in any of these proceedings.

When DPS terminates a trooper, they make a recommendation to the APSC to revoke the trooper's police officer certification. The APSC takes the recommendation under advisement and makes an independent decision whether to revoke the trooper's certification. This process runs independently from any grievance, arbitration, or administrative hearing and serves to limit the liability of the state to pay back wages to the period of time between when the employee was terminated and when the certification was revoked.

The Public Safety Employees Association (PSEA) may file a grievance on behalf of that former trooper. If the case is not settled between PSEA and the State, it will go to arbitration. The arbitrator will determine either that the termination was justified and uphold the state's action or grant the grievance and impose some lesser level of discipline. When the grievance is granted, DPS is ordered to make the former employee whole.

If the APSC is prohibited from revoking a trooper's certification until a final administrative decision is issued (which can take many years), DPS could potentially be required to pay hundreds of thousands of dollars in back wages to cover the period of time from the date of termination until the date of the decision.

Should this bill become law, APSC will be required to amend their regulations dealing with denial and revocation of certificates. Any costs associated with a regulation project could be absorbed within the APSC's existing budget.

The actual fiscal impact to the department cannot be estimated because it is dependent on the number of terminations where the final administrative decision is in the trooper's favor; therefore, an indeterminate fiscal note is being submitted.