


Colorado Legislative Council Staff Fiscal Note
STATE and LOCAL
FISCAL IMPACT

Drafting Number: LLS 12-0482

Date: January 31, 2012

Prime Sponsor(s): Rep. Barker

Bill Status: House Local Government

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TITLE: CONCERNING MINIMUM EMPLOYMENT PROTECTIONS FOR COLORADO PEACE OFFICERS.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue		
State Expenditures		
General Fund	\$68,139	\$68,139
FTE Position Change	0.5 FTE	0.5 FTE
Effective Date: August 7, 2012, if the General Assembly adjourns on May 9, 2012, as scheduled, and no referendum petition is filed.		
Appropriation Summary for FY 2012-2013: The Department of Public Safety requires a General Fund appropriation of \$68,139, which will be reappropriated to the Department of Law. The Department of Law requires 0.5 FTE.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This bill establishes minimum employment protections for peace officers in Colorado, separate from the current state personnel system. The bill addresses the following issues:

- entry of an adverse comment or material into a personnel file;
- a peace officer's right to engage in political activity or to participate in employee organizations;
- discipline of peace officers;
- the basic rights of an accused peace officer;
- rights of appeal in a disciplinary action;
- the right to file suit arising from the performance of duties as a peace officer; and
- a prohibition against retaliation by an employing agency against a peace officer for the exercise of his or her rights.

State Expenditures

Department of Public Safety (DPS). The bill will result in increased expenditures for the DPS of \$68,139 for FY 2012-13 and each year thereafter. The Colorado State Patrol in the DPS, which employs a large number of peace officers, accounts for almost half of the total FTE in the department. This bill establishes a dual personnel system for peace officers. The fiscal note assumes that the State Patrol will require approximately 900 hours each year in legal services from the Department of Law at an hourly rate of \$75.71 in order to respond to complaints and manage any increase in litigation pursued by peace officers. The \$68,139 (900 hours * \$75.71 per hour) should be reappropriated to the Department of Law.

Department of Law. The department will require 0.5 FTE in FY 2012-13 and each year thereafter for the purpose of providing the DPS with legal services. The fiscal note assumes that the Attorney General's Office will provide legal counsel and litigation support to the Colorado State Patrol for approximately 900 hours each year. In fiscal note common policies, costs for each new FTE in the Department of Law are based on 1,800 billable hours per year.

Department of Personnel and Administration (DPA). The DPA and the State Personnel Board will be required to engage in rulemaking to accommodate the implementation of the bill. The fiscal note assumes that it will take approximately 200 hours for the department to accomplish the rulemaking and technical assistance revisions required by the bill. The State Personnel Board will likely spend time on the rulemaking process and see an increase in caseload. The rulemaking activities can be accomplished within existing resources. Any future increase in caseload for the State Personnel Board cannot be quantified at this time. It will be evaluated and the need for increased expenditures in the future will be addressed through the regular budget process.

Other state agencies. A number of other Colorado agencies employ peace officers. Each of those agencies was solicited for information about the potential fiscal impact of the bill. They indicated that the system established by the bill is substantially similar to the existing structure. While the bill will require some changes in various state departments, the changes are expected to be minimal and can be implemented within existing resources.

Local Government Impact

County sheriffs departments, municipal police departments, and special fire protection districts will be affected by the bill. The impact to each entity will vary widely and depend on the size of the department and the extent to which current personnel systems differ from that established by the bill. As such, the fiscal impact to local governments cannot be quantified at this time.

State Appropriations

For FY 2012-13, the Department of Public Safety requires a General Fund appropriation of \$68,139, which will be reappropriated to the Department of Law. Additionally, the Department of Law requires 0.5 FTE.

Departments Contacted

All departments