



**Colorado
Legislative
Council
Staff**

SB17-283

**FINAL
FISCAL NOTE**

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0483
Prime Sponsor(s): Sen. Lundberg

Date: June 9, 2017
Bill Status: Lost in Senate
Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: CLARIFY DISCRIMINATION AND RIGHT TO DISAGREE

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	Potential workload and expenditure increases.	
General Fund		
Cash Funds		
Appropriation Required: None.		
Future Year Impacts: Ongoing potential workload and expenditure increases.		

NOTE: This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

This bill clarifies that it is not a discriminatory practice for an owner of a place of public accommodation to decline to provide goods, services, facilities, or other accommodation to an individual, group, or event that represents a message with which the owner disagrees.

Background

Under current law, actions such as denial of service, terms and conditions, unequal treatment, failure to accommodate, and retaliation are prohibited in places of public accommodation when undertaken against protected classes. For purposes of public accommodation, protected classes are defined on the basis of: race, color, disability, sex, sexual orientation (including transgender status), national origin or ancestry, creed, marital status, or retaliation. Places of public accommodation include restaurants, hospitals, hotels, retail stores, and public transportation, among others.

The Colorado Civil Rights Division (CCRD) of the Department of Regulatory Agencies investigates complaints and enforces state law when businesses and individuals engage in discrimination in places of public accommodation. The CCRD requires that a charge of discrimination be filed within 60 days of an adverse action occurring. The CCRD has a number of administrative remedies available, although an aggrieved party may choose to pursue a judgment in state court. If the court finds in favor of the petitioner, the defendant may be required to pay a

civil fine of between \$50 and \$500. According to the Department of Regulatory Agencies, public accommodation cases related to Senate Bill 17-283 are relatively infrequent, averaging about two per year.

State Expenditures

Overall and beginning in FY 2017-18, the bill may increase workload and costs for several state agencies, as discussed below.

Judicial Department. The bill may increase workload for trial courts to hear any additional cases brought under the bill. Because the number of existing claims is low, this analysis assumes any increase will be minimal and will not require an adjustment in appropriations for the courts.

Department of Law. To the extent that any state agency is party to a lawsuit concerning places of public accommodations as a result of the bill, workload and legal services costs will increase. Should this occur, the Department of Law or other affected agency will request additional appropriations through the annual budget process.

Department of Regulatory Agencies. The bill may reduce workload related to investigating public accommodation complaints if affected parties choose to seek a remedy from the courts rather than through the CCRD. This workload impact is negligible and does not require a reduction in appropriations.

Local Government and Statutory Public Entity Impact

This bill may increase workload for the Denver County Court to hear any additional civil cases filed as a result of the bill. If a local government or statutory public entity is sued based on the language of the bill, workload and costs will increase for these entities. These impacts are assumed to be minimal, but have not been estimated.

Effective Date

The bill was lost on second reading in the Senate on April 18, 2017.

State and Local Government Contacts

Information Technology
Law

Judicial
Regulatory Agencies