



Legislative Council Staff

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Final Fiscal Note

Drafting Number: LLS 21-0763
Prime Sponsors: Rep. Ransom; Van Beber
Date: June 21, 2021
Bill Status: Postponed Indefinitely
Fiscal Analyst: Matt Bishop | 303-866-4796
 Matt.Bishop@state.co.us

Bill Topic: PROHIBIT DISCRIMINATION COVID-19 VACCINE STATUS

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill would have prohibited discrimination based on COVID-19 vaccine status and prevented the state from mandating vaccine compliance. It would have increased state and local expenditures and may minimally have increased state revenue beginning in FY 2021-22.

Appropriation Summary: For FY 2021-22, the bill would have required an appropriation of \$17,335 to the Department of Labor and Employment.

Fiscal Note Status: The fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Table 1
State Fiscal Impacts Under HB 21-1191

		Budget Year FY 2021-22	Out Year FY 2022-23
Revenue		-	-
Expenditures	Cash Funds	\$17,335	\$17,335
	Centrally Appropriated	\$4,569	\$4,569
	Total Expenditures	\$21,904	\$21,904
	Total FTE	0.3 FTE	0.3 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

The bill prohibits the state from making any COVID-19 vaccine mandatory and further prohibits employers, including health facilities, from making the COVID-19 vaccine a condition of employment or taking adverse action against an employee based on their vaccine status. In addition, no government agency, commercial establishment or enterprise, service provider, or nonprofit association may discriminate against a client, patron, or customer based on COVID-19 vaccine status. The bill permits a person aggrieved by alleged discrimination to file a civil action for injunctive relief and damages in civil court.

State Revenue

To the extent that individuals file civil actions under the bill, filing fee revenue will increase. Court fee revenue is subject to TABOR.

State Expenditures

The bill increases state cash fund expenditures by \$21,904 and 0.3 FTE in the Department of Labor and Employment beginning in FY 2021-22, and workload and potential costs in the Department of Personnel and Administration and the Judicial Department. These expenditures are summarized in Table 2 and discussed below.

Table 2
Expenditures Under HB 21-1191

	FY 2021-22	FY 2022-23
Department of Labor and Employment		
Personal Services	\$17,335	\$17,335
Centrally Appropriated Costs ¹	\$4,569	\$4,569
Total Cost	\$21,904	\$21,904
Total FTE	0.3 FTE	0.3 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Department of Labor and Employment. The department's Division of Labor and Statistics administers state employment and labor laws. It requires 0.3 FTE Compliance Investigator I to maintain public outreach materials and respond to an estimated 50 inquiries per month regarding the bill. The division is supported by the Employment Support Cash Fund.

Department of Personnel and Administration. The department's Division of Human Resources, Risk Management Services oversees the state response to liability claims. The bill may increase the number of liability claims filed by state employees. The average cost of defense is \$5,400; the number of claims has not been estimated.

Judicial Department. To the extent that individuals file civil actions against an employer or potential employer, expenditures in trial courts will increase. The fiscal note assumes that employers will generally comply with the bill and that any increase in workload can be accomplished within existing appropriations.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$4,569 in FY 2021-22 and \$4,569 in FY 2022-23.

TABOR refunds. Under the December 2020 Legislative Council Staff Economic and Revenue Forecast, the state is not expected to collect revenue above the TABOR limit in either FY 2021-22 or FY 2022-23, and refund obligations are not anticipated for these years. This bill does not change these expectations concerning refunds to taxpayers.

Local Government

Expenditures may increase for local governments if a civil action is taken against them as permitted by the bill.

Effective Date

The bill was postponed indefinitely by the House Health and Insurance Committee on May 12, 2021.

State Appropriations

For FY 2021-22, the bill requires an appropriation of \$17,335 from the Employment Support Cash Fund to the Department of Labor and Employment and 0.3 FTE.

State and Local Government Contacts

Counties	Judicial	Labor
Municipalities	Personnel	Public Health and Environment
Regulatory Agencies		