



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

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Prime Sponsors: Rep. Ortiz Bill Status: Postponed Indefinitely
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Bill Topic: ACCESS TO GOVERNMENT BY PERSONS WITH DISABILITIES

- Summary of Fiscal Impact:
[X] State Revenue [ ] TABOR Refund
[X] State Expenditure [X] Local Government
[ ] State Transfer [ ] Statutory Public Entity

The bill required that state and local government ensure access to and participation in all levels of government for persons with disabilities. The bill would have increased state and local expenditures beginning FY 2023-24.

Appropriation Summary: For FY 2023-24, the bill requires appropriations totaling \$148,509 to the Department of Natural Resources and the Department of State.

Fiscal Note Status: The fiscal note reflects the introduced bill. The bill was postponed indefinitely by the House Transportation, Housing & Local Government Committee on May 2, 2023, therefore, the impacts identified in this analysis do not take effect..

Table 1
State Fiscal Impacts Under HB 23-1308

Table with 3 columns: Category, Budget Year FY 2023-24, and Out Year FY 2024-25. Rows include Revenue, Expenditures (Cash Funds, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and Other Budget Impacts.

## **Summary of Legislation**

The bill requires that state and local governments ensure access to and participation in government for persons with disabilities. Failure of a political party, the Legislative Department, the Judicial Department, or any state or local public body to comply with the bill's requirements constitutes discrimination on the basis of disability, and any person subjected to a violation may seek legal redress with the Colorado Civil Rights Division or the courts.

**Elections access.** The bill requires that the General Assembly, the Secretary of State (SOS), and each political party ensure that the caucus process or any future alternative process by which candidates access the ballot remain accessible to person with disabilities. Within six months of the bill's effective date, any person upon request, must be able to participate in precinct caucus or party assembly with the use of video conferencing. A precinct caucus or party assembly occurring in parts of the state without broadband is exempt from this requirement.

**Legislative Department.** The House of Representatives and the Senate must provide auxiliary aids and services to any member of the legislature who requests it. The Legislative Department, acting through the executive committee of the Legislative Council Committee, must study audio and way-finding programs allowing blind or visually impaired individuals to independently navigate the state capitol building and make it available within four years to any person visiting or working in the capitol building.

**Judicial Department.** Within five years, the Judicial department must allow any person required to appear in court to appear via video conferencing if requested, unless the court makes a finding of fact that the person's physical presence is required. If a court proceeding occurs with video conferencing, courts must make a recording of the proceeding. The Colorado Supreme Court must adopt rules for this requirement. A court proceeding occurring in parts of the state without broadband is exempt from this requirement.

**State and local public bodies.** The bill requires that state and local public bodies ensure the full participation of persons in protected classes, including accessibility for persons with disabilities. Public bodies include any advisory, policy-making, rule-making, decision-making, or formally constituted body of any political subdivision of the state, a public school board and school district engaged in collective bargaining, any state agency, state authority, higher education governing board, any nonprofit corporation created by an institution of higher education for technology transfer, the General Assembly, and any public or private entity to which the state or local body has delegated a governmental decision-making function.

Within six months, any public meeting held by a state or local public body must be accessible by live streaming video or audio that is recorded and accessible by persons with disabilities. A local public body must post any documents to be distributed at a public meeting at least seven days in advance if practicable. Posted documents must meet current prevailing document and internet accessibility standards and remain available for on demand use in the same manner in which the public body makes the written record of the meeting available to the public. If the meeting includes public testimony, any person must be able to participate by video conferencing, and the public body must provide other auxiliary aids or services if requested.

## **Assumptions**

The bill requires that public bodies post any document that will be distributed or discussed during a public meeting on its website. This fiscal note assumes posted documents include agendas, slide decks, presentation materials, and other public handouts and that public bodies are not required to post any document that contains confidential information or requires redaction.

## **State Revenue**

**Fee impact on businesses and professions.** Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. Under current law, the Department of State (DOS) and Colorado Parks and Wildlife (CPW) adjust fees so that the revenue generated approximates the direct and indirect costs of the departments. The DOS is primarily funded through business filing fees and CPW is primarily funded through outdoor recreation fees. To cover the costs described in the State Expenditures section below, fees in these departments may need to be raised to cover all or some of the costs of this bill. The fees affected and the actual amount of fee charges will be set administratively by affected departments based on cash fund balance, total program costs, and the estimated number of activities subject to fees. This revenue is subject to TABOR.

## **State Expenditures**

The bill increases state expenditures in the Department of Natural Resources by \$135,908 in FY 2023-24, and \$141,680 in FY 2024-25, paid from the Parks and Outdoor Recreation Cash Fund and the Wildlife Cash Fund. Expenditures increase in the Department of State by \$25,680 in FY 2023-24 and by \$51,360 in FY 2024-25. New state expenditures are displayed in Table 2 and described below.

**Table 2**  
**Expenditures Under HB 23-1308**

	FY 2023-24	FY 2024-25
<b>Department of Natural Resources</b>		
Personal Services	\$45,581	\$54,697
Operating Expenses	\$1,080	\$1,350
Capital Outlay Costs	\$6,670	
Technology Upgrades Denver HQ	\$69,498	\$69,498
Centrally Appropriated Costs <sup>1</sup>	\$13,079	\$16,135
FTE – Personal Services	0.8 FTE	1.0 FTE
<b>DNR Subtotal</b>	<b>\$135,908</b>	<b>\$141,680</b>
<b>Secretary of State</b>		
ALS Translation & Auxiliary Services	\$25,680	\$51,360
<b>SOS Subtotal</b>	<b>\$25,680</b>	<b>\$51,360</b>
<b>Total Costs</b>	<b>\$161,588</b>	<b>\$193,040</b>
<b>Total FTE</b>	<b>0.8 FTE</b>	<b>1.0 FTE</b>

<sup>1</sup> Centrally appropriated costs are not included in the bill's appropriation.

## Department of Natural Resources.

**Personal services.** Multiple divisions within DNR conduct meetings of public bodies hosted in locations across the state, including Colorado Parks and Wildlife (CPW) and the Colorado Water Conservation Board. Some existing meeting locations must be modified for video conferencing, and the DNR will add 1.0 FTE Technician to serve as the public meetings technology coordinator, train CPW staff, conduct analysis of accessibility requirements, and oversee technology upgrades.

**Technology upgrades.** The CPW headquarters in Denver must be upgraded for all meeting locations to conform with the bill's accessibility requirements including monitors, software licenses, projectors and speakers to support live streaming and recording with a total estimated one-time cost of \$138,995, with costs split across two fiscal years.

## Department of State

The Department of State will have increased costs for American Sign Language translation services and technology upgrades. These costs are shown in Table 2 above.

## Other state agencies

**Legislative Department.** The bill increases workload and costs in the Legislative Department in the following areas.

- *Posting material and auxiliary services.* Costs and staff time will increase to monitor and post meeting materials in real time. Changes to internal information technology systems and websites will also be required to facilitate this. Costs for additional auxiliary services may also be incurred. These costs can be managed within existing appropriations, but any additional funding will be requested through the annual budget process, if necessary.
- *Wayfinding.* It is assumed that the study of wayfinding within the State Capitol Building can be accomplished within existing appropriations. Additional information on implementation costs will be determined through the study and requested through the annual budget process.

**Judicial Department.** Within five years, courts must allow for virtual participation by any person when requested, unless the judge makes findings that a person's presence is required in court. The bill increases the administrative workload for hearing officers to make findings when virtual participation is requested, and to determine if in person or remote participation is appropriate. Based on court case load and the number of judicial hearings that will consider requests, expenditures are estimated to require approximately 1.5 FTE magistrate and 4.0 FTE administrative staff at an annual cost of about \$400,000. Appropriations for these future-year costs, starting no later than FY 2028-29, must be addressed during through budget process.

**Other state agencies.** All public bodies may have increased cost to provide video conferencing services, American Sign Language translation, and other auxiliary aides and services for remote participation and access to public meetings and documents. Should costs for state agencies and other state public bodies exceed available resources, it is assumed that costs will be addressed through the annual budget process.

## Local Government and School Districts

Similar to the state, all local public bodies will have costs to upgrade video and teleconferencing technology to meet accessibility standards, as well as to post material online for public meetings. These costs will vary by jurisdiction based on current practices and technology systems, as well as the number of public meetings held.

## Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## State Appropriations

For FY 2023-24, the bill requires the following appropriations:

- \$122,829 to the Department of Natural Resources, including \$46,223 from the Parks and Outdoor Recreation Cash Fund to the Department of Natural Resources and \$76,606 from the Wildlife Cash Fund, and 0.8 FTE; and
- \$25,680 from the Department of State Cash Fund to the Department of State.

**State and Local Government Contacts**

Agriculture	CHFA	Connect For Health Colorado
Corrections	Counties	Early Childhood
Education	FPPA	Health Care Policy
Higher Education	Human Services	Information Technology
Judicial	Labor	Law
Legislature	Local Affairs	Military Affairs
Natural Resources	PERA	Personnel
Public Health	Public Safety	Regulatory Agencies
Secretary of State		