



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Revised Fiscal Note

(replaces fiscal note dated January 11, 2023)

**Drafting Number:** LLS 23-0466  
**Prime Sponsors:** Rep. Ortiz

**Date:** February 20, 2023  
**Bill Status:** House Judiciary  
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**Bill Topic:** **REMEDIES PERSONS WITH DISABILITIES**

**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 specifies the legal remedies that a person with a disability may pursue in cases alleging discrimination. The bill increases revenue and workload for the trial courts, and may increase legal costs for executive branch agencies beginning FY 2023-24.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** The revised fiscal note reflects the introduced bill. It has been updated to reflect additional information obtained from state and local agencies

## Summary of Legislation

The bill states that individuals with a disability must not be discriminated against by any place of public accommodation. It also states that in discrimination cases, courts may require both compliance from a defendant, and award monetary damages to a plaintiff, including damages for emotional distress, as well as reasonable attorney fees.

The bill specifies that any relief provided by the courts is an alternative to relief provided by the Colorado Civil Rights Commission (CCRC) in the Department of Regulatory Affairs. Also, the bill specifies that a person with a disability may bring a civil suit in court, regardless of whether an administrative charge has been filed with the commission, or administrative remedies have been exhausted.

## State Revenue

The bill is expected to minimally increase cash fund revenue in the trial courts in the Judicial Department, as some individuals will choose to initiate court actions as an alternative to, or in addition to, administrative relief from the CCRC. It is unknown how many individuals will choose this option. The exact change in filing fee revenue from these cases will vary depending on the number of cases and the court with which the claim is filed. This revenue is subject to TABOR.

## **State Expenditures**

The bill potentially impacts workload in the Judicial Department and legal service and risk management costs for the state, as described below.

**Judicial Department.** State expenditures in the trial courts may increase beginning FY 2023-24 if additional individuals bring discrimination cases based on a disability. No change in appropriations is required.

**Legal services.** The bill increases state expenditures by an indeterminate amount beginning in FY 2023-24 in the Department of Law (DOL) to provide legal services to executive branch agencies. If the bill increases the total number of discrimination claims against state agencies seeking monetary relief for emotional distress, the cost of legal services provided by the DOL will increase. Based on prior claims, this potential need for additional legal services is expected to be highest for the Department of Corrections (DOC). Given uncertainty surrounding the potential for additional cases involving the state, it is assumed that costs to state agencies, including the DOC, will be addressed through the annual budget process as necessary.

**Risk management costs.** The Office of Risk Management in the Department of Personnel and Administration (DPA) manages the state response to liability claims and lawsuits. While this fiscal note assumes a high degree of compliance on the part of state agencies, if the number of cases and the cost of future jury awards increase with the addition of monetary damages for emotional distress, costs to the state, paid from the Risk Management Fund, will increase. The Risk Management Fund is support through common policy assessments on state agencies based on historical claims and actuarial analysis. If such claims and increased jury awards are incurred, it is assumed these costs will be addressed through the annual budget process.

**Colorado Civil Rights Commission.** The bill is not expected to significantly impact costs or workload for the CCRC in the Department of Regulatory Agencies, as most cases filed with the courts are assumed to be in addition to a filing with the CCRC, rather than replacing these filings.

## **Local Government**

Similar to state agencies, the addition of emotional distress damages may increase the cost of legal representation and jury awards when discrimination claims based on a disability are brought against a local government.

## **Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## **State and Local Government Contacts**

Corrections	Counties	Governor	Labor
Law	Municipalities	Personnel	Judicial
Regulatory Agencies			