



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Final Fiscal Note

<b>Drafting Number:</b>	LLS 24-0541	<b>Date:</b>	June 6, 2024
<b>Prime Sponsors:</b>	Rep. Froelich; Rutinel Sen. Hinrichsen	<b>Bill Status:</b>	Deemed Lost
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### Bill Topic: **EQUAL ACCESS TO PUBLIC MEETINGS**

<b>Summary of Fiscal Impact:</b>	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input checked="" type="checkbox"/> Statutory Public Entity

The bill requires that that each state and local public body make public meetings accessible to persons with disabilities. The bill increases state and local government expenditures, and potentially increases state revenue, beginning FY 2024-25.

**Appropriation Summary:** No appropriation is required for FY 2024-25. New state expenditures begin FY 2025-26.

**Fiscal Note Status:** The final fiscal note reflects the introduced bill, as amended by the House Transportation, Housing, and Local Government Committee. The bill was deemed lost in the House Appropriations Committee on May 9, 2024; therefore, the impacts identified in this analysis do not take effect.

**Table 1**  
**State Fiscal Impacts Under HB 24-1168**

		Budget Year FY 2024-25	Out Year FY 2025-26	Out Year FY 2026-27
<b>Revenue</b>		-	-	-
<b>Expenditures</b>	General Fund	-	\$1,191,352	\$1,144,039
	Cash Funds	-	\$15,000	\$25,290
	Centrally Appropriated	-	\$153,307	\$158,669
	<b>Total Expenditures</b>	-	<b>\$1,359,659</b>	<b>\$1,327,998</b>
	<b>Total FTE</b>	-	<b>9.2 FTE</b>	<b>9.5 FTE</b>
<b>Transfers</b>		-	-	-
<b>Other Budget Impacts</b>	General Fund Reserve	-	\$178,703	\$171,606

## Summary of Legislation

The bill sets requirements for making public meetings accessible to persons with disabilities. The bill applies to all state and local public bodies, with separate requirements for any authority, district, or other political subdivision of the state with fewer than 1,000 eligible electors (small communities).

Beginning July 1, 2025, for any meeting of a state or local public body where a public notice is required under the Colorado Open Meetings Law; where a proposed policy, position, resolution, rule, regulation or other formal action occurs; or where public testimony or comment will be heard, the public body must:

- provide auxiliary services upon timely request to individuals with disabilities;
- make the meeting accessible in real time by live streaming video or audio;
- post documents online at least 24 hours before the meeting, or as soon as practicable; and
- allow individuals who wish to participate remotely to provide public comment virtually.

Beginning July 1, 2025, for public meetings of a small community local public body where formal action is taken or testimony is heard, and if requested, the local public body must:

- provide a remote method for individuals to attend and to provide testimony or comment when applicable; and
- allow remote access to or electronic transmission of meeting documents available to the public.

An individual with a disability who is subject to a violation of the bill by a state public body or local public body based on the individual's disability may seek relief in the courts. If the court finds that a violation occurred, the public body is subject to either a fine of \$3,000, or an amount equal to one percent of public body's prior fiscal year revenue, whichever is less. The fine is payable to each individual subject to a violation, or to the Colorado Commission for the Deaf, Hard of Hearing, and Deafblind Cash Fund in the Department of Human Services, at the individual's choosing.

## State Revenue

The bill may increase state revenue from fines to the Colorado Commission for the Deaf, Hard of Hearing, and Deafblind Cash Fund in the Department of Human Services. The amount of revenue will depend on the level of noncompliance by public bodies, as well as the decision by individuals alleging a violation to choose to have the fine deposited into the fund, rather than payable to themselves. For this reason, the amount of potential fine revenue cannot be estimated.

**State Expenditures**

The bill increases state expenditures by about \$1.2 million in FY 2024-25 and FY 2025-26, paid from the General Fund and cash funds. Table 2 displays these expenditures for multiple departments. Personal services include standard operating and capital outlay. For agencies requiring new staff, a Program Assistant II or a similar position is assumed. Additional detail of these expenditures is provided below.

**Table 2  
Expenditures Under HB 24-1168**

	<b>FY 2024-25</b>	<b>FY 2025-26</b>	<b>FY 2026-27</b>
<b>Behavioral Health Administration</b>			
Personal Services	-	\$63,345	\$63,345
Operating Expenses	-	\$1,280	\$1,280
Capital Outlay Costs	-	\$6,670	-
Software Licensing	-	\$15,000	\$15,000
Translation, Interpretation & Aux Aids	-	\$15,000	\$15,000
Centrally Appropriated Costs <sup>1</sup>	-	\$17,250	\$17,250
FTE – Personal Services	-	1.0 FTE	1.0 FTE
<b>BHA Subtotal</b>	-	<b>\$118,545</b>	<b>\$111,875</b>
<b>Department of Early Childhood</b>			
Personal Services	-	\$63,345	\$63,345
Operating Expenses	-	\$1,280	\$1,280
Capital Outlay Costs	-	\$6,670	-
Software and Licensing	-	-	-
Translation, Interpretation & Aux Aids	-	\$15,000	\$15,000
Centrally Appropriated Costs <sup>1</sup>	-	\$17,439	\$17,439
FTE – Personal Services	-	1.0 FTE	1.0 FTE
<b>CDEC Subtotal</b>	-	<b>\$103,734</b>	<b>\$97,064</b>
<b>Department of Education</b>			
Personal Services	-	\$63,345	\$63,345
Operating Expenses	-	\$1,280	\$1,280
Capital Outlay Costs	-	\$6,670	-
Software & Licensing	-	-	-
Translation, Interpretation & Aux Aids	-	\$160,000	\$160,000
Centrally Appropriated Costs <sup>1</sup>	-	\$16,855	\$16,855
FTE – Personal Services	-	1.0 FTE	1.0 FTE
<b>CDE Subtotal</b>	-	<b>\$248,150</b>	<b>\$241,480</b>

**Table 2  
Expenditures Under HB 24-1168 (Cont.)**

	FY 2024-25	FY 2025-26	FY 2026-27
<b>Department of Higher Education</b>			
Personal Services	-	\$63,345	\$63,345
Operating Expenses	-	\$1,280	\$1,280
Capital Outlay Costs	-	\$6,670	-
Software Licensing	-	\$12,500	\$12,500
Translation, Interpretation & Aux Aids	-	\$7,500	\$7,500
Centrally Appropriated Costs <sup>1</sup>	-	\$14,848	\$14,848
FTE – Personal Services	-	1.0 FTE	1.0 FTE
<b>DHE Subtotal</b>	-	<b>\$106,143</b>	<b>\$99,473</b>
<b>Office of Information Technology</b>			
Software Licensing	-	\$13,500	\$13,500
Translation, Interpretation & Aux Aids	-	\$15,000	\$15,000
<b>OIT Subtotal</b>	-	<b>\$28,500</b>	<b>\$28,500</b>
<b>Department of Labor and Employment</b>			
Software Licensing	-	\$4,000	\$4,000
Translation, Interpretation & Aux Aids	-	\$11,100	\$11,100
<b>CDLE Subtotal</b>	-	<b>\$15,100</b>	<b>\$15,100</b>
<b>Department of Military and Veterans Affairs</b>			
Personal Services	-	\$126,691	\$126,691
Operating Expenses	-	\$2,560	\$2,560
Capital Outlay Costs	-	\$13,340	-
Centrally Appropriated Costs <sup>1</sup>	-	\$30,326	\$30,326
FTE – Personal Services	-	2.0 FTE	2.0 FTE
<b>DMVA Subtotal</b>	-	<b>\$172,917</b>	<b>\$159,577</b>
<b>Department of Natural Resources</b>			
Software Licensing	-	\$12,500	\$12,500
Translation, Interpretation & Aux Aids	-	\$13,000	\$13,000
<b>DNR Subtotal</b>	-	<b>\$25,500</b>	<b>\$25,500</b>
<b>Department of Personnel and Administration</b>			
Personal Services	-	\$107,687	\$126,691
Operating Expenses	-	\$2,176	\$2,560
Capital Outlay Costs	-	\$13,340	-
Centrally Appropriated Costs <sup>1</sup>	-	\$30,386	\$35,748
FTE – Personal Services	-	<b>1.7 FTE</b>	<b>2.0 FTE</b>
<b>DPA Subtotal</b>	-	<b>\$153,589</b>	<b>\$164,998</b>

**Table 2  
Expenditures Under HB 24-1168 (Cont.)**

	<b>FY 2024-25</b>	<b>FY 2025-26</b>	<b>FY 2026-27</b>
<b>Department of Public Health and Environment</b>			
Personal Services	-	\$95,018	\$95,018
Operating Expenses	-	\$1,920	\$1,920
Capital Outlay Costs	-	\$13,340	-
Software Licensing	-	\$20,000	\$20,000
Translation, Interpretation & Aux Aids	-	\$216,000	\$216,000
Centrally Appropriated Costs <sup>1</sup>	-	\$26,203	\$26,203
FTE – Personal Services	-	1.5 FTE	1.5 FTE
<b>CDPHE Subtotal</b>	-	<b>\$372,481</b>	<b>\$359,141</b>
<b>Department of State</b>			
Software Licensing	-	\$15,000	-
Translation, Interpretation & Aux Aids	-	-	\$25,290
<b>DOS Subtotal</b>	-	<b>\$15,000</b>	<b>\$25,290</b>
<b>Total Cost</b>	-	<b>\$1,359,659</b>	<b>\$1,327,998</b>
<b>Total FTE</b>	-	<b>9.2 FTE</b>	<b>9.5 FTE</b>

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

**Public meeting accessibility.** Every agency conducting meetings for public bodies will have increased expenses for administrative staff and assistance with virtual meeting coordination. Costs increase to ensure meeting documents are available in real time during meetings, and meet current prevailing internet accessibility standards. Additionally, costs increase for video conferencing platform licensing, for communication access real time translation (CART) services, and for ASL interpretation and other auxiliary disability aids that may be requested. Unless otherwise estimated in Table 2, costs are assumed to be absorbable within state agencies' current budgets or can be adjusted through the annual budget process, if needed.

**Capital improvement and information technology.** Several agencies estimated the need for capital upgrades and other major information technology purchases. The DHE estimated capital upgrades for conference rooms at \$100,000, the OIT estimated the need for a mobile conference system at \$65,000, and the DMVA estimated a need for over \$470,000 for various information technology and facility upgrades. These estimates have not been included in the fiscal note estimate, but may be incurred depending on agency strategies for complying with the bill. It is assumed these large capital and IT costs will be addressed in the annual budget process, following review by the Capital Development and Joint Technology Committees.

**State litigation and risk impacts.** The bill may increase litigation and risk management costs to the state if agencies fail to fully comply with the accessibility requirements outlined in the bill. If such cases occur, state agencies and institutions of higher education will have increased costs for legal services, provided by the Department of Law. Depending on the outcome of any cases, settlement or liability payments may be required from the Risk Management Fund in the Department of Personnel and Administration, not to exceed \$3,000 per individual. State agencies make payments for legal services and risk management through common policy billings based on costs incurred in prior years. It is assumed any new costs, if incurred, will be accounted for through the annual budget process.

**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 shown in Table 2.

## Other Budget Impacts

**General Fund reserve.** Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

## Local Government

Similar to state agencies, local public bodies and local governments will have increased costs for virtual meeting coordinators, video conferencing platform licensing, communication access real time translation (CART) services, ASL interpretation and other auxiliary disability aids, and to ensure internet document accessibility. In some instances, capital improvement expenses are also anticipated for local public bodies that do not currently have the necessary meeting spaces and hardware. In the event of noncompliance, local governments may be subject to a \$3,000 fine for each violation. These costs have not been estimated per public body.

## Effective Date

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

## Departmental Difference

All state and local agencies made estimates of the cost to implement accessibility requirements for public meetings, however those estimates are widely disparate, and in some cases unrelated to the total number of public bodies conducting public meetings affected by the bill. This fiscal note made assumptions about the appropriate staffing level needed to support agencies with accessibility requirements, and applied a uniform cost methodology for new administrative staff

for state agencies. Agencies also estimated a broad range of costs to supply auxiliary disability aids. This fiscal note made assumptions about the number of public meetings for affected agencies, and estimated costs for auxiliary aids accordingly. If actual costs exceed these estimates, those resources must be addressed in the budget process.

The Department of Personnel and Administration estimated a need for about \$3.0 million for the Risk Management Pool. This was assumed to be paid from the General Fund in FY 2024-25, and from reappropriated funds thereafter. This fiscal note does not estimate a specific appropriation for risk management, which must instead be calculated when actual costs are known, and addressed during the budget process.

## State and Local Government Contacts

All State Agencies

Counties

Municipalities

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).