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Fiscal Note

Drafting Number: LLS 24-0741 Date: March 7, 2024
Prime Sponsors: Rep. Soper; Bacon Bill Status: House Business Affairs & Labor
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Bill Topic: TEST ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

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

The bill requires public and private professions testing entities to provide accommodations to a person with a disability. Starting in FY 2024-25, the bill increases state expenditures and may increase local expenditures.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$21,264 to the Department of Law.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under HB 24-1342

Table with 4 columns: Category, Sub-category, Budget Year FY 2024-25, and Out Year FY 2025-26. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and Other Budget Impacts (General Fund Reserve).

Summary of Legislation

The bill requires private, state, and local government testing entities to grant an individual's request for a testing accommodation on a licensing exam if the person has a disability, provides proof of having received an accommodation previously, provides a recommendation letter, and requests the previous accommodation. If a testing entity does not honor the request, the individual may bring a civil suit seeking relief or submit a complaint to the attorney general who may submit a civil action. Finally, the bill waives governmental immunity for public entities that do not honor a request.

State Expenditures

The bill will increase state General Fund expenditures by around \$26,000 in FY 2024-25 and \$39,000 in FY 2025-26, as shown in Table 2. The bill may increase state expenditures in the future years by an unknown amount, as described below.

Table 2
Expenditures Under HB 24-1342

	FY 2024-25	FY 2025-26
Department of Law		
Personal Services	\$21,264	\$31,896
Centrally Appropriated Costs ¹	\$4,589	\$6,884
Total Cost	\$25,853	\$38,780
Total FTE	0.2 FTE	0.3 FTE

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

Department Law. The Department of Law requires 0.3 FTE to investigate additional complaints based on the assumption that there will be about 20 complaints per year that require investigation. Staffing costs are shown in Table 2 and are prorated for a September 1, 2024, start date.

Department of Personnel and Administration. By waiving government immunity, the bill may increase state expenditures in the Risk Management Fund to pay damage awards and attorney fees, or to pay settlement costs. The fiscal note assumes that state departments are already compliant with the bill and therefore, no change in appropriations is required. For informational purposes, the department reports in the last 10 years, American Disability Act claims result in an average of \$44,000 in legal services and \$308,000 in settlement costs per claim.

Judicial Department. Starting in FY 2024-25, workload to the trial courts increases to here additional civil cases. The increase in cases is assumed to be minimal and therefore, no change in appropriation is required.

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 the state, by waiving government immunity, costs to local governments, including school districts, may increase to pay damage awards and attorney fees, or to pay settlement costs.

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 2024-25, the bill requires a General Fund appropriation of \$21,264 to the Department of Law, and 0.3 FTE.

State and Local Government Contacts

Education	Higher Education	Human Services
Judicial	Law	Personnel
Regulatory Agencies	Revenue	

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](#).