



Legislative Council Staff

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Final Fiscal Note

Drafting Number:	LLS 21-0253	Date:	June 15, 2021
Prime Sponsors:	Rep. Esgar Sen. Moreno	Bill Status:	Signed into Law
		Fiscal Analyst:	Sonia Hatfield 303-866-4785 Sonia.Hatfield@state.co.us

Bill Topic: **GENDER IDENTITY EXPRESSION ANTI-DISCRIMINATION**

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

This bill modifies the definition of sexual orientation and adds gender expression and gender identity to statutes prohibiting discrimination against members of a protected class. Beginning in FY 2021-22, it will minimally increase state revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required for this bill.

Fiscal Note Status: This fiscal note reflects the enacted bill.

Summary of Legislation

This bill modifies the definition of sexual orientation and adds gender expression and gender identity to statutes prohibiting discrimination against members of a protected class. It prohibits discrimination based on gender expression or gender identity in areas including employment, housing, financial services, healthcare, funeral arrangements, access to and participation in public services, education, youth services, criminal justice, and transportation.

The bill specifies that expenses paid by a taxpayer to a private club that discriminates based on gender expression or gender identity are not tax deductible. Residential properties that are exempt from property taxes for charitable purposes are also prohibited from discrimination based on gender expression and gender identity.

State Revenue

If the bill increases the number of civil cases filed from the addition of gender expression and gender identity to discrimination statutes, state revenue from filing fees will increase beginning in FY 2021-22. For informational purposes, the current civil case filing fee is \$224. Any increase is expected to be minimal. Revenue from filing fees is subject to TABOR.

Additionally, the bill may increase income tax revenue due to changes in the deductibility of expenses paid to certain clubs. However, the fiscal note assumes that clubs will generally follow the law, and as such any increase in income tax will be minimal.

State Expenditures

Beginning in FY 2021-22, the bill may increase state workload by a minimal amount for the Judicial Department, Department of Personnel and Administration, and the Department of Regulatory Agencies, as discussed below.

Judicial Department. If more civil cases are filed as a result of the bill, workload for the trial courts and the Division of Probation will increase. Any increase is expected to be minimal and can be accomplished within existing appropriations.

Department of Personnel and Administration. To the extent that there is an increase in claims related to state employees, workload for the Office of Administrative Courts and State Personnel Board will increase. Any increase is expected to be minimal and to be accomplished within existing appropriations.

Department of Regulatory Agencies. The Civil Rights Commission and Division, which enforces the Colorado Anti-Discrimination Act, currently includes gender expression and gender identity within its definition of transgender in its rules and regulations. These rules and regulations will be updated to reflect the statutory changes, but the bill is not expected to increase the number of cases filed within the division. These updates can be accomplished within existing appropriations.

TABOR refunds. The bill may minimally increase state revenue subject to TABOR. For FY 2022-23, the March 2021 LCS forecast projects revenue to fall short of the TABOR limit by \$28.6 million, or 0.2 percent of the limit. If actual revenue exceeds the limit, the bill will increase the amount required to be refunded to taxpayers from the General Fund in FY 2023-24.

Local Government

Like the state as an employer, if cases are brought against local government entities, costs and workload will increase. The fiscal note assumes that these entities will abide by the law; as a result, any increase is expected to be minimal.

Additionally, the bill may increase local property tax revenue due to additional requirements for charitable residential properties to remain exempt from property taxes. However, this fiscal note assumes that charitable organizations will generally follow the law, and as such any increase in local property tax revenue will be minimal.

Effective Date

This bill was signed into law by the Governor on May 20, 2021, and takes effect on September 7, 2021, assuming no referendum petition is filed.

State and Local Government Contacts

Corrections
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Counties
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Local Affairs
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Labor
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Public Safety
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