



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Table with 2 columns: Field (Drafting Number, Prime Sponsors, Date, Bill Status, Fiscal Analyst) and Value (LLS 24-0504, Rep. Soper; Mabrey, Sen. Will; Gonzales, February 21, 2024, House Judiciary, Clayton Mayfield | 303-866-5851, clayton.mayfield@coleg.gov)

Bill Topic: DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

Summary of Fiscal Impact table with 2 columns: Category (State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity) and Status (checked/unchecked boxes)

The bill adds nonprofits to places of public accommodation where discrimination is prohibited, and adds viewpoint to the list of classes protected from discrimination. Starting in FY 2024-25, the bill increases state and local revenue and expenditures.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$379,180 to the Department of Regulatory Agencies.

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

Table 1
State Fiscal Impacts Under HB 24-1124

Main fiscal impact table with 4 columns: Category (Revenue, Expenditures, Transfers, Other Budget Impacts), Sub-category (General Fund, Centrally Appropriated, General Fund Reserve), Budget Year FY 2024-25, and Out Year FY 2025-26

Summary of Legislation

The bill adds nonprofit places of business to the list of places of public accommodation at which discrimination is prohibited. Additionally, the bill makes it a discriminatory practice for a place of public accommodation to deny services to persons based on their viewpoint. An exception is provided when a place of public accommodation restricts admission based on viewpoint if the restriction is based on a concern for safety or well-being.

Finally, under current law, the civil penalty for discrimination in a place of public accommodation is \$50 to \$500 for each violation, paid to aggrieved parties. The bill makes the penalty \$10,000.

Background

Under current law, charges of discrimination may be filed as cases in civil court or complaints may be filed with the Colorado Civil Rights Division (CCRD) in the Department of Regulatory Agencies (DORA). More information on the CCRD can be found [here](#).

State Revenue

The bill may increase revenue to the Judicial Department from an increase in filing fees from civil case filings. Revenue from filing fees is subject to TABOR.

State Expenditures

The bill increases state expenditures primarily in DORA by about \$407,000 in FY 2024-25, and by about \$420,000 in FY 2025-26, paid from the General Fund. Expenditures are shown in Table 2 and described below.

Table 2
Expenditures Under HB 24-1124

	FY 2024-25	FY 2025-26
Department of Regulatory Agencies		
Personal Services	\$101,352	\$126,691
Operating Expenses	\$2,048	\$2,560
Capital Outlay Costs	\$13,340	-
Legal Services	\$256,040	\$256,040
Computer Programming - Established	\$6,400	-
Centrally Appropriated Costs ¹	\$28,680	\$35,850
FTE – Personal Services	1.6 FTE	2.0 FTE
FTE – Legal Services	1.1 FTE	1.1 FTE
Total Cost	\$407,860	\$421,141
Total FTE	2.7 FTE	3.1 FTE

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

Department of Regulatory Agencies. DORA will incur staffing, legal services, and computer programming costs to implement the bill.

- **Staff.** 2.0 FTE is required to handle an increase in intake inquiries, leading to an assumed 60 additional complaints filed to the CCRD, a four percent increase in total complaints. CCRD will hire 1.0 FTE of Legal Assistant to handle intake inquiries submitted by individuals and 1.0 FTE of Compliance Investigator to handle inquiries that become official complaints. Staff levels are based on current caseload rates. Amounts are prorated for a September 1, 2024 start date and include standard operating and capital outlay costs.
- **Legal services.** DORA will require 2,000 hours of legal services starting in FY 2024-25 to address viewpoint discrimination issues and questions that arise during complaint investigations, as well as handle any civil actions filed challenging actions or decisions of the CCRD. Legal services are provided by the Department of Law at a rate of \$128.02 per hour.
- **Computer programming.** DORA requires 50 hours of contracted computer programming in FY 2024-25 only to update its case management system to reflect the addition of viewpoint as a protected class. Computer programming is provided by the Office of Information Technology at a rate of \$128.00 per hour.

Court impacts. Trial courts in the Judicial Department may experience an increase in workload to the extent additional civil cases are filed under the bill. The fiscal note assumes that places of public accommodation will comply with the law and any increase will be minimal, and no change in appropriations is required. These court impacts also apply to Denver County Court, funded and operated by the City and County of Denver.

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.

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 \$379,180 to the Department of Regulatory Affairs, and 1.6 FTE. Of this amount:

- \$256,040 is reappropriated to the Department of Law, with an additional 1.1 FTE; and
- \$6,400 is reappropriated to the Office of Information Technology.

State and Local Government Contacts

Denver County Courts

Judicial

Regulatory Agencies

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](#).