

JBC Staff Fiscal Analysis
House Appropriations Committee

Concerning modification of remedy provisions in the Colorado anti-discrimination act, and, in connection therewith, extending the deadline for filing a charge for discrimination in places of public accommodation or discriminatory advertising and reorganizing and expanding the provisions for damages in a civil action for certain discriminatory or unfair practices.

Prime Sponsors:

Representative Zokaie
Senators Daugherty; Weissman

Date Prepared:

March 21, 2025

JBC Analyst:

Tom Dermody
303-866-4963

Fiscal Impacts

Appropriation Required, Amendments in Packet

General Fund Impact

Significant Appropriation Increase in Second Year

Fiscal Note Status

The most recent Legislative Council Staff Fiscal Note (attached) reflects the fiscal impact of the bill as of 02/20/25.

Update: Fiscal impact has changed due to new information and an amendment adopted after LCS Fiscal Note was prepared.

The Judiciary Committee Report (02/25/25) amends the bill to apply the 50.0 percent reduction in noneconomic damages for correcting a violation to any defendant rather than only defendants who are a small business. This change encourages the state to correct violations, which reduces awards and decreases the number of cases that proceed to litigation. The assumed legal services costs for the Department of Personnel are reduced from \$335,687 to \$100,305 General Fund in FY 2025-26.

The current fiscal note reflects an error in the cost assumptions provided by the Department of Regulatory Agencies. Fixing this error increases the required appropriation from \$33,284 General Fund and 0.4 FTE to \$186,351 General Fund and 2.5 FTE in FY 2025-26.

Legislative Council Staff and JBC Staff agree on the fiscal impact of the amendments and correction.

Amendments in This Packet

J.001	Staff-prepared appropriation amendment
L.002/J.002	Bill Sponsor amendment - changes fiscal impact and appropriation

Current Appropriations Clause in Bill

The bill requires but does not contain an appropriation clause.

Description of Amendments in This Packet

J.001

Staff amendment **J.001** (attached) appropriates a total of \$286,656 General Fund for FY 2025-26, as follows:

- \$100,305 to the Department of Personnel, which amount is further reappropriated to the Department of Law and reflects 0.4 FTE; and
- \$186,351 to the Department of Regulatory Agencies, which reflects 2.5 FTE.

L.002 and J.002

Bill Sponsor amendment **L.002** (attached) eliminates the costs for the Department of Regulatory Agencies by removing the extension of the statute of limitations for filing a claim of discrimination. The \$100,305 cost for legal services for the Department of Personnel remains; however, as identified in the Legislative Council Staff Memo (attached), dated March 19, 2025, the legal services costs could be paid from the Risk Management Fund, rather than from the General Fund. The Risk Management Fund is continuously appropriated and does not require an appropriation. The Department of Law requires reappropriated funds spending authority for the provision of legal services. Legislative Council Staff and JBC Staff agree on the fiscal impact of the amendments.

Amendment **J.002** (attached) appropriates \$100,305 reappropriated funds spending authority to the Department of Law. This reflects 0.4 FTE.

If the Committee adopts **L.002** and **J.002**, it should not adopt **J.001**.

Points to Consider

General Fund and Future Fiscal Impact

The Joint Budget Committee (JBC) is developing a budget package for FY 2025-26. This bill requires a General Fund appropriation of \$286,656 for FY 2025-26, reducing the General Fund available for other FY 2025-26 appropriations by this amount. The bill is projected to require General Fund appropriations of \$544,383 in FY 2026-27 and \$666,509 in FY 2027-28.

L.002 eliminates the General Fund impact of the bill if it is adopted.