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Revised Fiscal Note

(replaces fiscal note dated March 7, 2024)

Drafting Number: LLS 24-0741 Date: April 2, 20244
Prime Sponsors: Rep. Soper; Bacon Bill Status: House Appropriations
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Bill Topic: TEST ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

Summary of Fiscal Impact: [X] 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 state revenue and local expenditures.

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

Fiscal Note Status: This revised fiscal note reflects the introduced bill, as amended by the House Business Affairs and Labor Committee. The note has been revised to reflect new information.

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, Cash Funds, 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.

Background

In Colorado, the bar exam is administered by the Office of Attorney Regulation Counsel, in the Judicial Department. The office is overseen by the Colorado Supreme Court and is supported through attorney registration fees and bar exam fees. The Colorado Constitution gives the Judicial Department authority to regulate and control the practice of law; therefore, fees received and spent by the office are not subject to appropriation by the General Assembly.

State Revenue

Starting in FY 2024-25, revenue to the Attorney Regulations Cash Fund may increase through raising attorney registration fees and/or bar exam fees to cover additional costs for accommodations. Based on the expected costs under the bill and the current reserve amounts identified in the Judicial Department's FY 2024-25 budget request, the fiscal note assumes the bill will not necessitate an increase in fees. However, decisions to raise fees are determined by the Colorado Supreme Court and the actual cost incurred by the Office of Attorney Regulation Counsel. Revenue from attorney fees and the bar exam are subject to the state's TABOR limit.

State Expenditures

The bill will increase state expenditures by around \$151,000 in FY 2024-25 and \$164,000 in FY 2025-26, paid from the General Fund and the Attorney Regulations Cash Fund, 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 (General Fund) | | |
| Personal Services | \$21,264 | \$31,896 |
| Centrally Appropriated Costs ¹ | \$4,589 | \$6,884 |
| FTE – Personal Services | 0.2 FTE | 0.3 FTE |
| DOL Subtotal | \$25,853 | \$38,780 |
| Office of Attorney Regulation Counsel (Cash Funds) | | |
| Additional Accommodation Cost | \$125,000 | \$125,000 |
| Office of Attorney Regulation Counsel Subtotal | \$125,000 | \$125,000 |
| Total Cost | \$150,853 | \$163,780 |
| 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.

Office of Attorney Regulation Counsel. Starting in FY 2024-25, the bill increases expenditures in the Office of Attorney Regulation Counsel to provide additional accommodations to individuals during the bar exam. Assuming the number of accommodations doubles, costs will increase by an estimated \$125,000 to provide additional testing space, to hire more proctors, and to pay for additional proctor time. Actual costs will be determined by the number of accommodations requested. The office is funded through the Attorney Regulation Cash Fund which requires no appropriations from the General Assembly.

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

Judicial

Law

Personnel

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](#).