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Legislative
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MEMORANDUM

February 23, 2009

TO: Sen. John Morse
Members of the Senate Judiciary Committee

FROM: Clare Pramuk, Fiscal Analyst (303-866-2677)

SUBJECT: Fiscal Assessment of Proposed Amendment **SB110_L.007**.

This memorandum is an assessment of the fiscal impact of the attached proposed amendment to **SB09-110**. This fiscal assessment is for the impact of the bill with inclusion of this amendment only. Any other added amendment could influence the fiscal impact.

Summary of Proposed Amendment

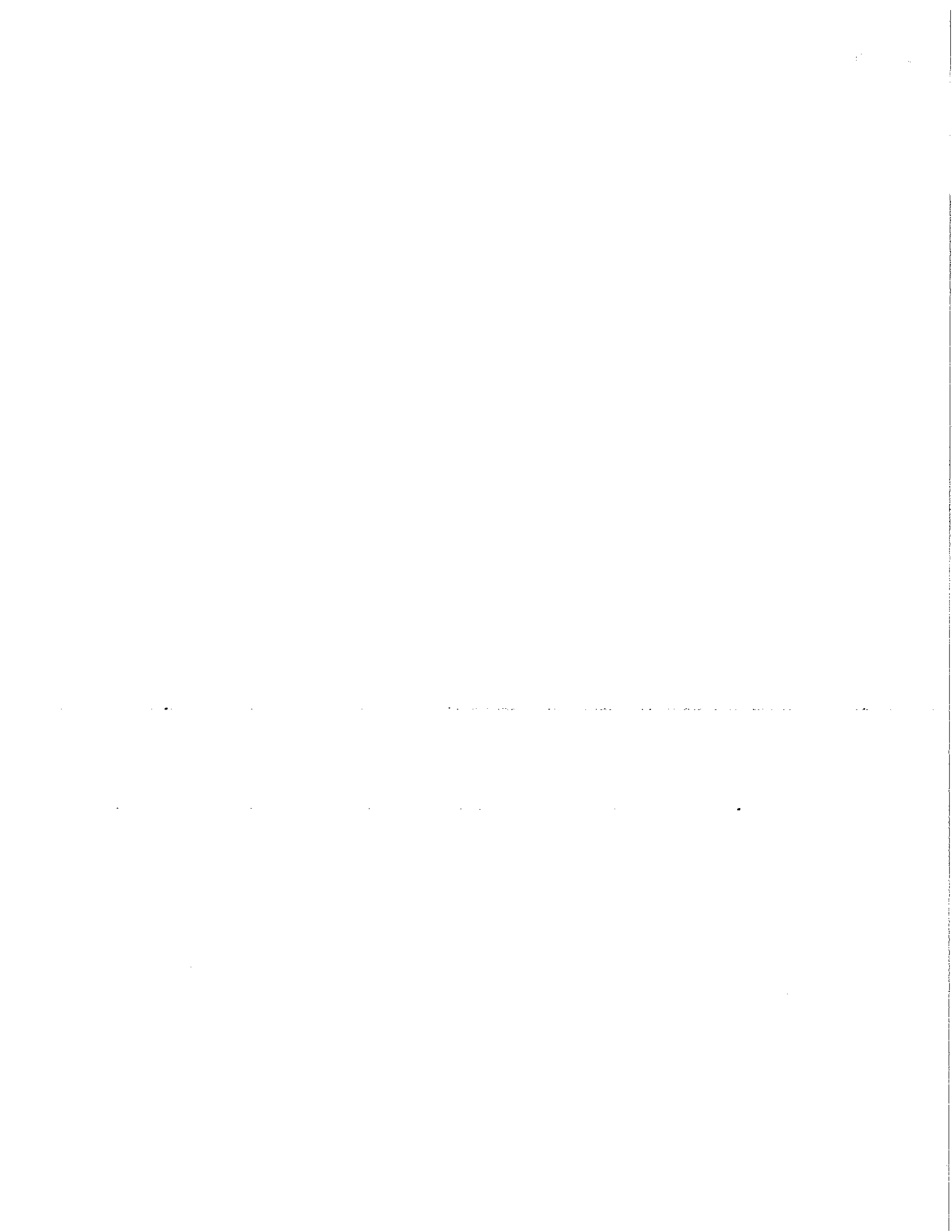
Amendment L.007 removes from the bill, a charging party's ability to be awarded compensatory and punitive damages, and attorney fees. It entitles a charging party whose claim can not be brought under Title VII of the Civil Rights Act of 1964, to a formal hearing before the Civil Rights Commission, or an administrative law judge. The charging party is further entitled to representation at the hearing by an attorney from the Attorney General's Office.

Fiscal Impact of Amendment

The amendment eliminates the fiscal impact shown in the fiscal note dated February 16, 2009, to the Colorado Civil Rights Division (CCRD), Department of Law and the Judicial Branch, but adds new costs. The CCRD will have a new cost for administrative law judge services of \$4,834 in each fiscal year. The Department of Law will have a new cost for representing charging parties at hearings of \$30,040 and 0.2 FTE in FY 2009-10 and \$120,160 and 0.9 FTE in FY 2010-11. This assumes that 12 cases per year will not be settled through conference, conciliation, or persuasion and will be eligible for a hearing. Of the 12 cases, 8 are expected to require legal services but to settle prior to hearing, while 4 are expected to go through the hearing process.

Bill's Revised Fiscal Impact with Amendment

The bill would have General Fund impact of \$34,874 and 0.2 FTE in FY 2009-10 and \$124,994 and 0.9 FTE in FY 2010-11 with the adoption of L.007.



SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB09-110 be amended as follows:

- 1 Amend printed bill, page 4, line 25, after "(2),", insert "(4),".
- 2 Page 8, after line 4, insert the following:
 - 3 "(4) When the director is satisfied that further efforts to settle the
 - 4 matter by conference, conciliation, and persuasion will be futile, he OR
 - 5 SHE shall so report to the commission. If the commission determines that
 - 6 the circumstances warrant, it shall issue and cause to be served, in the
 - 7 manner provided by section 24-4-105 (2), a written notice and complaint
 - 8 requiring the respondent to answer the charges at a formal hearing before
 - 9 the commission, a commissioner, or an administrative law judge; EXCEPT
 - 10 THAT IN CASES WHERE THE CHARGING PARTY HAS ASSERTED A CLAIM
 - 11 THAT COULD NOT BE BROUGHT UNDER TITLE VII OF THE FEDERAL "CIVIL
 - 12 RIGHTS ACT OF 1964", AS AMENDED, THE CHARGING PARTY, UPON
 - 13 REQUEST, SHALL BE ENTITLED TO A FORMAL HEARING BEFORE THE
 - 14 COMMISSION OR AN ADMINISTRATIVE LAW JUDGE AS SPECIFIED IN THIS
 - 15 SUBSECTION (4), AND THE CHARGING PARTY SHALL BE ENTITLED TO
 - 16 REPRESENTATION AT THE HEARING BY AN ATTORNEY FROM THE ATTORNEY
 - 17 GENERAL'S OFFICE. Such hearing shall be commenced within one hundred
 - 18 twenty days after the service of such written notice and complaint. Such
 - 19 notice and complaint shall state the time, place, and nature of the hearing,
 - 20 the legal authority and jurisdiction under which it is to be held, and the
 - 21 matters of fact and law asserted."
- 22 Page 9, strike lines 15 through 27.

- 1 Strike pages 10 through 14.
- 2 Page 15, strike lines 1 through 22.
- 3 Renumber succeeding sections accordingly.

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