



Colorado Legislative Council Staff Fiscal Note
**STATE and LOCAL
 FISCAL IMPACT**

Drafting Number: LLS 11-0735
Prime Sponsor(s): Sen. Mitchell

Date: February 10, 2011
Bill Status: Senate Local Government and Energy
Fiscal Analyst: Bill Zepernick (303-866-4777)

TITLE: CONCERNING LIMITATIONS ON RESTRICTIONS BY GOVERNMENTAL BODIES ON SPECIFIED PRIVATE ACTIVITIES.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue Cash Funds State Highway Fund	Reduction between (\$5,000 and \$1.0 million) per year	
State Expenditures	See State Expenditures section.	
FTE Position Change		
Effective Date: September 1, 2011, unless a referendum petition is filed.		
Appropriation Summary for FY 2011-2012: None required.		
Local Government Impact: Potential costs to school districts. See Local Government Impact section.		

Summary of Legislation

The bill prohibits the state and any political subdivision of the state from:

- requiring a parent or guardian of a minor child to provide a notice from a doctor in order to attest to the child's illness;
- requiring a person or entity to make a monetary or in-kind gift or contribution to a charitable organization as a condition of granting a license, approval, grant, or permit;
- transferring private property acquired through the use of eminent domain to a private party; and
- using automated vehicle identification systems to detect traffic and motor vehicle violations without citing nationally recognized standards demonstrating enhanced benefits to public safety from the use of such a system.

State Revenue

The bill is expected to decrease cash fund revenue to the State Highway Fund in the Department of Transportation (CDOT) by between \$5,000 and \$1.0 million per year, beginning in FY 2011-12. When CDOT acquires property to conduct road projects, there is often excess property that is unused because of changes in project design. Some of this unused property is obtained by

CDOT through the use of eminent domain. Under current law, excess parcels are sold and revenue deposited in the State Highway Fund. The bill prohibits the transfer of property obtained through eminent domain to a private party. Therefore, if CDOT acquires parcels of land through eminent domain that remain unused during construction projects, it will be unable to sell them to a private party afterward. Depending on the number of excess parcels obtained through eminent domain, this could reduce revenue to the State Highway Fund by up to \$1.0 million per year.

State Expenditures

The bill is expected to result in changes to procedures in a number of state agencies. However, these changes are not expected to result in the need for additional staff or funding. The various effects of the bill are discussed below.

Sick leave policies. Prohibiting state agencies from requiring a doctor's note attesting to the illness of a child will require updates to sick leave policies. This prohibition could also affect employee productivity if any abuse of sick leave policies occurs. Any impact to state agencies is expected to be minimal.

Unemployment benefits. The Department of Labor and Employment (DLE) may request medical documentation in cases where separation from employment occurs as a result of a child's illness. The DLE would have to revise their policies for reviewing eligibility for unemployment benefits in such cases, as it would not be able to require documentation from a health care provider on the health of a child. This workload increase is expected to be minimal and no new appropriation is required.

Court caseload. To the extent the bill reduces the use of automated vehicle identification systems, the number of motor vehicle cases heard in state court may be affected. Any impact is expected to be minimal, as most traffic cases are heard in municipal court.

Local Government Impact

The bill affects local governments in a variety of ways, as discussed below.

Sick leave policies. As discussed above, prohibiting political subdivisions of the state from requiring a doctor's note attesting to the illness of a child will require updates to sick leave policies. This prohibition could also affect employee productivity if any abuse of sick leave policies occurs. Any impact to local governments is expected to be minimal.

Student attendance policies. School districts will be required to review and alter policies on student attendance if they currently require a doctor's note when a child is absent because of illness. This is not expected to increase staff time and costs.

Traffic enforcement. The bill requires local governments to cite nationally recognized standards demonstrating enhanced benefits to public safety in order to use automated vehicle identification systems for traffic enforcement. To the extent that the bill reduces the use of systems such as photo radar and red-light cameras, it could reduce fine revenue received by these local governments. In addition, reducing the use of such systems could lower caseload in municipal court if there are fewer contested traffic violations. However, because it is unknown the extent to which automated vehicle identification systems will be affected by the bill, the exact impact on revenue and court caseload cannot be estimated at this time.

Departments Contacted

All Departments