



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Final Fiscal Note

**Drafting Number:** LLS 22-0853  
**Prime Sponsors:** Rep. Mullica; Neville  
Sen. Gonzales

**Date:** May 13, 2022  
**Bill Status:** Postponed Indefinitely  
**Fiscal Analyst:** Anna Gerstle | 303-866-4375  
Anna.Gerstle@state.co.us

**Bill Topic:** **AUTHORIZE CREDIT UNIONS TO HOLD PUBLIC MONEY**

**Summary of Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue	<input checked="" type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill would have allowed public money to be deposited or invested with a credit union that is federally insured, and permitted credit unions to make loans to public entities. The bill would have increased state revenue and expenditures on an ongoing basis.

**Appropriation Summary:** For FY 2022-23, the bill would have required an appropriation of \$52,110 to the Department of Regulatory Agencies.

**Fiscal Note Status:** The fiscal note reflects the introduced bill. The bill was not enacted; therefore, the impacts identified in this fiscal note do not take effect.

**Table 1**  
**State Fiscal Impacts Under HB22-1277**

		<b>Budget Year FY 2022-23</b>	<b>Out Year FY 2023-24</b>
<b>Revenue</b>	Cash Fund	\$68,600	\$100,750
	<b>Total Revenue</b>	<b>\$68,600</b>	<b>\$100,750</b>
<b>Expenditures</b>	Cash Funds	\$52,110	\$75,576
	Centrally Appropriated	\$14,291	\$22,906
	<b>Total Expenditures</b>	<b>\$66,401</b>	<b>\$98,482</b>
	<b>Total FTE</b>	<b>0.6 FTE</b>	<b>1.0 FTE</b>
<b>Transfers</b>		-	-
<b>Other Budget Impacts</b>	TABOR Refund	\$68,600	\$100,750

## Summary of Legislation

The bill allows public money to be deposited or invested with a credit union that is federally insured, and permits credit unions to make loans to public entities. It also adds credit unions to the Deposit Protection Act.

The bill allows the Financial Services Commissioner in the Department of Regulatory Agencies (DORA) to assess each credit union at least twice per year, based on its total public assets held, in order to meet the credit union's share of the supervisory and monitoring costs. The assessment calculation must be alike in all cases and the commissioner must specify the date of the first assessments.

## Background

Under current law, public money may be deposited in or invested with banks and savings and loan associations that are protected by the Federal Deposit Insurance Corporation (FDIC).

## Assumptions

There are currently 76 credit unions in Colorado. The fiscal note assumes that 85 percent, or 65 credit unions, will receive some level of public funds by FY 2023-24, based on the number of current banks with public funds. In FY 2022-23, 75 percent, or 49 of the participating credit unions are assumed to receive public funds due to the bill's effective date. In FY 2023-24, 65 credit unions are assumed to receive public funds. The fiscal note also assumes that site visits for 25 percent of credit unions will require overnight travel by the examiner.

## State Revenue

The bill increases state revenue by \$68,600 in FY 2022-23 and \$100,750 in FY 2023-24. Fee revenue is deposited in the Division of Financial Services Cash Fund.

**Fee impact on credit unions.** Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. These fee amounts are estimates only, actual fees will be set administratively by DORA based on cash fund balance, estimated program costs, the estimated number of credit unions, and the public deposits held by the credit unions. Table 2 below identifies the fee increase necessary to cover the expenditures incurred to implement the bill; however, the actual fee will be set as a calculation based on the total public assets held by credit unions.

**Table 2**  
**Fee Impact on Credit Unions**

<b>Fiscal Year</b>	<b>Type of Fee</b>	<b>Number</b>	<b>Fee Increase</b>	<b>Total Fee</b>
<b>FY 2022-23</b>	Credit Union Public Deposit Fee	49	\$1,400	\$68,600
<b>FY 2023-24</b>	Credit Union Public Deposit Fee	65	\$1,550	\$100,750

**State Expenditures**

The bill increases state expenditures in DORA by \$66,401 in FY 2022-23 and \$98,482 in FY 2023-24 from the Division of Financial Services Cash Fund. Expenditures are shown in Table 3 and detailed below.

**Table 3  
 Expenditures Under HB 22-1277**

	FY 2022-23	FY 2023-24
<b>Department of Regulatory Agencies</b>		
Personal Services	\$37,137	\$63,663
Operating Expenses	\$810	\$1,350
Capital Outlay Costs	\$6,200	-
Travel Costs	\$7,963	\$10,563
Centrally Appropriated Costs <sup>1</sup>	\$14,291	\$22,906
<b>Total Cost</b>	<b>\$66,401</b>	<b>\$98,482</b>
<b>Total FTE</b>	<b>0.6 FTE</b>	<b>1.0 FTE</b>

<sup>1</sup> Centrally appropriated costs are not included in the bill's appropriation.

**DORA.** The Division of Financial Services in DORA requires 0.6 FTE in FY 2022-23 and 1.0 FTE in FY 2023-24 to conduct monitoring and supervision of credit unions that accept public funds or make loans to public entities. This assumes approximately 30 hours of work per credit union, including an on-site inspection and audit. Travel costs include food, lodging, and mileage for 12 credit union visits in FY 2022-23, and 16 in FY 2023-24 and out years. Standard operating and capital outlay costs are included, and the staff in the first year are prorated for a September 1 start date.

**All state agencies.** The bill allows additional flexibility for the state to invest and deposit public funds. To the extent it results in better interest rates, it may result in savings for the state.

**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 3.

**Other Budget Impacts**

**TABOR refunds.** The bill is expected to increase the amount of state revenue required to be refunded to taxpayers by the amounts shown in the State Revenue section above. This estimate assumes the March 2022 LCS revenue forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2023-24. Because TABOR refunds are paid from the General Fund, increased cash fund revenue will reduce the amount of General Fund available to spend or save.

## Local Government

The bill allows additional flexibility for local governments to invest and deposit public funds. To the extent it results in better interest rates, it may result in savings for local governments.

## Effective Date

The bill was postponed indefinitely by the House Business Affairs and Labor Committee on March 24, 2022.

## State Appropriations

In FY 2022-23, the bill requires an appropriation of \$52,110 from the Division of Financial Services Cash Fund to the Department of Regulatory Agencies, and 0.6 FTE.

## State and Local Government Contacts

Counties	Law	Municipalities
Personnel	Regulatory Agencies	Revenue
Special Districts	Treasury	