

COLORADO CREDIT UNIONS

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Legislative Update

Provided via email 4/20/2023

The Colorado Legislature is nearing the end of session, today is day 102 out of an allowable 120 days, which means that they are in the “helter-skelter” period of the legislature - with bills flying through both chambers in an attempt to pass before the session adjourns. There have been 596 bills introduced, and fewer than half of those bills have passed both legislative chambers. You can see the [House](#) and [Senate](#) status sheets here, if you would like to track the progress of any bills you’re interested in. Both the House and Senate have been holding floor debates and committee hearings late into the evening and on the weekends, with the House even using a contentious [rule to limit debate](#) to overcome filibusters to pass their ambitious agenda.

Issues like gun violence prevention, reproductive healthcare, and controversial housing proposals are drawing the longest debates and polarizing the chambers on party lines. At this point in the session, leadership is scheduling priority bills quickly and are often moving from committees to the floor in rapid succession. And, even with a backed-up calendar and only 24 days remaining, new bills are still being introduced as a bill only requires three days to pass through the legislature.

GoWest is currently tracking multiple bills that are of interest to credit unions.

1. We have had initial success, but are still monitoring a bill addressing GAP (Guaranteed Asset Protection) Agreements, [HB 23-1181](#)

Why it matters: The bill codifies the current rule that oversees the administration of GAP Agreements. Your GoWest team had early success in adding an amendment to the bill to improve the bill’s language for credit unions. The amendment would modify the GAP refund process. The bill is waiting to be heard in Senate committee and negotiations are still ongoing with the bill. If we are successful, it will improve the current policy and reduce operating impacts in the state.

Background/history: Colorado’s relatively unique rules around GAP refunds have presented challenges for creditors and administrators in the past and have been a significant focus of the state’s Attorney General.

What’s new:

1. The Guaranteed Asset Protection Alliance and Colorado’s Attorney General introduced legislation to address some issues with GAP as well as a few modernizations in line with an agreement with the state.

2. We've been actively engaged with stakeholders to address our concerns with codifying problematic language into state law. We were able to add an amendment in the House that would modify the refund process, but the amendment is still in negotiations following concerns from the Attorney General's office.
3. We are still working with stakeholders to negotiate a positive outcome for credit unions.

2. Amendment secured on [HB-1229](#), Amending Terms Consumer Lending Laws

Why it matters: As introduced, the bill could have had major negative impacts on consumer lending in Colorado, changing how fee structures are calculated in all consumer loans. GoWest worked closely with the bill sponsor to explain the negative impacts the legislation would have on credit unions. After much discussion with credit unions, the sponsor agreed to amend the problematic language out of the bill and instead focus the legislation solely on pay-day lenders and out-of-state banks.

What's new: The amended bill is still making its way through the legislative process and will appear next in Senate committee. The sponsor is very appreciative of credit unions working on this bill in good faith and has asked that we continue working with him on the subject in the interim.

3. Continued monitoring Affordable Housing Right of First Refusal, [HB-1190](#)

Why it matters: The bill creates a "right of first refusal" of a local government to match an offer for the sale of a residential or mixed-use multifamily property. The local government's right to the purchase is subject to a commitment to using the property as long-term affordable housing.

What's new: The contentious bill could have major impacts on housing sale and affordability. GoWest has worked in partnership to attain multiple amendments to improve the bill and will continue to monitor the bill as it heads to the Senate floor.

4. The Governor's blockbuster "Land Use" bill, [SB-213](#)

Why it matters: This [100-page bill](#) would have major impacts on the affordable housing sector. The measure would prevent Colorado's largest cities from limiting construction of accessory-dwelling units, duplexes and triplexes and require them to let multifamily units be built near transit centers. Local governments heavily oppose the bill, but most business sectors stand in support or are working to secure amendments.

What's new: More than 50 pages of amendments will be proposed to the bill as it heads to its second committee hearing in the Senate.

Proposals with the potential to impact operations

There are many bills in the legislature that could impact employment and operations in credit unions. GoWest is working with coalition groups to ensure potential issues or unintended consequences in proposed legislation can be addressed should they potentially pass.

- [Protecting Opportunities and Workers' Rights Act](#) - The bill aims to address discriminatory or unfair employment practices. The bill would repeal the current definition of "harass," which requires creation of a hostile work environment. The bill passed out of committee in its first chamber last week with several amendments mitigating key business concerns.
- [Job Application Fairness Act](#) - Prohibits employers from asking a prospective employee's age, date of birth, or dates of attendance or graduation on an employment application. This bill has one more vote before passing its second chamber.
- [Additional Uses Paid Sick Leave](#) - Allows for sick time to be used when caring for a school-age child when schools are closed due to weather or taking time off for a funeral. This bill has one more vote before passing its second chamber.
- [Employer Notice of Income Tax Credits](#) - The bill requires an employer to provide written notice of the availability of the federal and state earned income tax credits and the federal and state child tax credits. An amendment allows these notices to be sent electronically by email or text. This bill was signed by the Governor.

- [Average Weekly Wage Paid Leave Benefits](#) - Current law specifies that a covered individual's weekly paid family and medical leave benefit is determined based on their wages at their current job, excluding recent wages from previous jobs. The bill eliminates the limit on calculating the benefit, allowing the consideration of previous jobs. This bill was signed by the Governor.
- [Ensure Equal Pay for Equal Work](#) - Current law allows the department of labor and employment to mediate complaints and provide legal resources concerning alleged wage inequity. The bill changes these authorizations to requirements and requires the department to investigate complaints and order compliance and relief when warranted. The bill also requires an employer to: follow specific guidelines for posting job and promotional opportunities; provide specific information to employees regarding the candidate selected for job and promotional opportunities; and for all objectively defined career progressions, disclose the requirements for career progression and the terms of compensation, benefits, status, duties, and access to further advancement. This bill has been heavily amended and is heading to its second chamber.
- [Repeal Prohibition Local Residential Rent Control](#) - Would allow counties and municipalities to enact measures that would control rent on private residential property or a private residential housing unit. This contentious bill is waiting for a vote in the Senate where key legislators have expressed concern about passing the bill.

Once the session concludes, we will provide a final session report as well as a detailed compliance bulletin.