

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0578.01 Richard Sweetman x4333

HOUSE BILL 24-1381

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House Committees
Finance

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A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE DIVISION OF FINANCIAL
102 SERVICES IN THE DEPARTMENT OF REGULATORY AGENCIES, AND,
103 IN CONNECTION THEREWITH, IMPLEMENTING THE
104 RECOMMENDATIONS CONTAINED IN THE 2023 SUNSET REPORT
105 BY THE DEPARTMENT OF REGULATORY AGENCIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - House Finance Committee. The bill implements the recommendations of the department of regulatory agencies (DORA)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

in its sunset review and report on the division of financial services (division), which is created within DORA. Specifically:

- **Sections 1 through 3** of the bill continue the division and the financial services board (board) for 15 years, until 2039;
- **Section 4** authorizes a credit union to merge with a credit union that is chartered in another state;
- **Sections 5 and 8** increase the maximum civil penalty for violating a cease-and-desist order or suspension order from \$1,000 per day to \$5,000 per day;
- **Section 6** repeals a provision that prohibits credit unions from having overlapping geographic fields of membership and repeals a requirement that the board send hearing notices by certified or registered mail;
- **Section 7** authorizes a credit union to determine the dates upon which its fiscal year ends and its board of directors annually meets;
- **Section 9** repeals an obsolete statute; and
- **Sections 4, 7, and 10 through 59** replace gender-specific language with gender-neutral language.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (25)(a)(I); and **add** (40) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (25) (a) The following agencies, functions, or both,
7 are scheduled for repeal on September 1, 2024:

8 (I) ~~The division of financial services created in article 44 of title~~
9 ~~11;~~

10 (40) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, ARE
11 SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2039:

12 (I) THE DIVISION OF FINANCIAL SERVICES CREATED IN ARTICLE 44
13 OF TITLE 11.

14 (b) THIS SUBSECTION(40) IS REPEALED, EFFECTIVE SEPTEMBER 1,

1 2041.

2 **SECTION 2.** In Colorado Revised Statutes, **add** 11-44-124 as
3 follows:

4 **11-44-124. Repeal of article - review of functions.** THIS ARTICLE
5 44 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2039. BEFORE THE REPEAL, THE
6 DIVISION AND THE BOARD ARE SCHEDULED FOR REVIEW IN ACCORDANCE
7 WITH SECTION 24-34-104.

8 **SECTION 3.** In Colorado Revised Statutes, **repeal** 11-44-101.5
9 as follows:

10 **11-44-101.5. Division subject to termination - repeal of article.**

11 ~~(1) The provisions of section 24-34-104, C.R.S., concerning the~~
12 ~~termination schedule for regulatory bodies of the state unless extended as~~
13 ~~provided in that section, are applicable to the division of financial~~
14 ~~services created by section 11-44-101.~~

15 ~~(2) This article is repealed, effective September 1, 2024.~~

16 **SECTION 4.** In Colorado Revised Statutes, 11-30-122, **amend**
17 (5); and **add** (8) as follows:

18 **11-30-122. Merger.** (5) The duplicate of the certificate of merger
19 with the board's certificate of approval attached shall be filed with the
20 secretary of state who shall make a record of ~~said~~ THE certificate and
21 return it, with ~~his~~ THE SECRETARY OF STATE'S certificate of record
22 attached, to the board for permanent record. The fee for ~~said~~ THE filing
23 shall be determined and collected pursuant to section 24-21-104 (3).

24 ~~C.R.S.~~

25 (8) A CREDIT UNION MAY MERGE WITH A CREDIT UNION THAT IS
26 CHARTERED IN ANOTHER STATE SO LONG AS THE MERGER IS APPROVED BY
27 THE BOARD OF DIRECTORS OF EACH CREDIT UNION, THE COMMISSIONER,

1 AND THE FEDERAL NATIONAL CREDIT UNION ADMINISTRATION. BEFORE
2 APPROVING A MERGER, THE COMMISSIONER SHALL CONSIDER THE
3 CONDITION OF EACH CREDIT UNION THAT IS A PARTY TO THE MERGER AND
4 WHETHER THE MERGER POSES ANY RISKS TO THE MEMBERS OF EACH
5 CREDIT UNION.

6 **SECTION 5.** In Colorado Revised Statutes, 11-30-106.5, **amend**
7 (3) as follows:

8 **11-30-106.5. Assessment of civil money penalties.** (3) In
9 determining the amount of ~~the~~ A civil money penalty to be assessed, the
10 commissioner shall consider the good faith of the person AGAINST WHOM
11 THE PENALTY IS assessed, the gravity of the violation, any previous
12 violations by the person AGAINST WHOM THE PENALTY IS assessed, and
13 ~~such~~ other matters ~~as~~ THAT the commissioner may deem appropriate.
14 ~~except that~~ The AMOUNT OF THE civil money penalty ~~shall be~~ MUST not
15 ~~more than one~~ EXCEED FIVE thousand dollars per day for each day the
16 person assessed is determined by the commissioner to be in violation of
17 a cease-and-desist order or an order of suspension or removal.
18 Alternatively, the commissioner may assess a civil money penalty for
19 ~~such~~ A violation in a lump-sum amount not to exceed fifty thousand
20 dollars.

21 **SECTION 6.** In Colorado Revised Statutes, 11-30-101.7, **amend**
22 (3)(a), (5) introductory portion, (5)(b), and (5)(c); and **repeal** (5)(d) as
23 follows:

24 **11-30-101.7. Hearing procedures for community field of**
25 **membership credit unions.** (3) (a) The board shall give notice of a
26 hearing on a community field of membership application at least thirty
27 days before the hearing date ~~by registered or certified mail,~~ to the

1 principal office of each credit union, savings and loan association, or
2 bank within the neighborhood, community, or rural district sought to be
3 served by the proposed community credit union and to ~~such~~ other persons
4 or credit unions, savings and loan associations, or banks ~~as~~ THAT the
5 board may designate.

6 (5) Within ninety days ~~following the conclusion of~~ AFTER a
7 hearing, the board shall issue a written order granting a community field
8 of membership if the board finds:

9 (b) That the credit union would benefit its members or proposed
10 members, consistent with the purposes of this ~~article~~, ARTICLE 30; that the
11 general character and fitness of the incorporators is appropriate; and that
12 it is advisable from an economic standpoint to establish the proposed
13 credit union; AND

14 (c) That the neighborhood, community, or rural district is
15 politically, geographically, socially, or economically well defined. ~~and~~

16 (d) ~~That the members of other credit unions within the~~
17 ~~neighborhood, community, or rural district are specifically excluded from~~
18 ~~membership, except as otherwise provided by the board for good cause.~~

19 **SECTION 7.** In Colorado Revised Statutes, **amend** 11-30-107 as
20 follows:

21 **11-30-107. Fiscal year - meetings.** (1) ~~The fiscal year of all~~
22 ~~credit unions shall end December 31 of each year. The annual meeting~~
23 ~~shall be held within five months after the close of said fiscal year~~ A
24 BOARD OF DIRECTORS OF A CREDIT UNION MAY DETERMINE THE DATE
25 UPON WHICH THE CREDIT UNION'S FISCAL YEAR ENDS, SO LONG AS THE
26 DATE COINCIDES WITH THE END OF A STANDARD FISCAL QUARTER.

27 (2) A BOARD OF DIRECTORS OF A CREDIT UNION MAY DETERMINE

1 THE DATE UPON WHICH THE BOARD OF DIRECTORS ANNUALLY MEETS.
2 Special meetings may be held in the manner indicated in the bylaws. At
3 all meetings, a member ~~shall have but a single~~ HAS ONLY ONE vote,
4 ~~whatever his~~ REGARDLESS OF THE MEMBER'S share holdings. There shall
5 NOT be ~~no~~ voting by proxy, but a member other than a natural person may
6 cast a single vote through a delegated agent.

7 **SECTION 8.** In Colorado Revised Statutes, 11-44-123, **amend**
8 (3) as follows:

9 **11-44-123. Assessment of civil money penalties.** (3) In
10 determining the amount of ~~the~~ A civil money penalty to be assessed, the
11 commissioner shall consider the good faith of the person AGAINST WHOM
12 THE PENALTY IS assessed, the gravity of the violation, any previous
13 violations by the person AGAINST WHOM THE PENALTY IS assessed, and
14 ~~such~~ other matters ~~as~~ THAT the commissioner may deem appropriate.
15 ~~except that~~ The AMOUNT OF THE civil money penalty ~~shall be~~ MUST not
16 ~~more than one~~ EXCEED FIVE thousand dollars per day for each day the
17 person assessed is determined by the commissioner to be in violation of
18 a cease-and-desist order or an order of suspension or removal.
19 Alternatively, the commissioner may assess a civil money penalty for
20 ~~such~~ A violation in a lump-sum amount not to exceed fifty thousand
21 dollars.

22 **SECTION 9.** In Colorado Revised Statutes, **repeal** 11-30-124 as
23 follows:

24 **11-30-124. Transfer of functions - conforming of statutes.**
25 ~~(1) As of April 11, 1988, the powers, duties, and functions of the state~~
26 ~~bank commissioner under this article are transferred to the state~~
27 ~~commissioner of financial services.~~

1 ~~(2) On April 11, 1988, all employees of the division of banking~~
2 ~~whose principal duties are concerned with the powers, duties, and~~
3 ~~functions transferred to the state commissioner of financial services and~~
4 ~~whose employment in the division of financial services is deemed~~
5 ~~necessary by the executive director of the department of regulatory~~
6 ~~agencies to carry out the purposes of this article are transferred to the~~
7 ~~division of financial services and shall become employees thereof. Such~~
8 ~~employees shall retain all rights to state personnel system and retirement~~
9 ~~benefits under the laws of this state, and their services shall be deemed to~~
10 ~~have been continuous.~~

11 ~~(3) On April 11, 1988, all items of property, real and personal,~~
12 ~~including office furniture and fixtures, books, documents, and records of~~
13 ~~the division of banking pertaining to the powers, duties, and functions~~
14 ~~transferred to the state commissioner of financial services pursuant to this~~
15 ~~section shall be transferred to the division of financial services and shall~~
16 ~~become the property thereof.~~

17 ~~(4) Whenever the state bank commissioner or the division of~~
18 ~~banking is referred to or designated by any contract or other document in~~
19 ~~connection with the powers, duties, and functions transferred to the state~~
20 ~~commissioner of financial services, such reference or designation shall be~~
21 ~~deemed to apply to the state commissioner of financial services or the~~
22 ~~division of financial services, as the case may be. All contracts entered~~
23 ~~into by the state bank commissioner or the division of banking prior to~~
24 ~~April 11, 1988, in connection with the powers, duties, and functions~~
25 ~~transferred to the state commissioner of financial services are hereby~~
26 ~~validated, with the state commissioner of financial services succeeding to~~
27 ~~all the rights and obligations of such contracts.~~

1 ~~(5) On April 11, 1988, any unexpended appropriations of funds~~
2 ~~for the current fiscal year made to the division of banking and allocated~~
3 ~~for the administration and enforcement of this article shall be transferred~~
4 ~~to the division of financial services. The executive director of the~~
5 ~~department of regulatory agencies shall have the final authority to~~
6 ~~determine the allocation of funds for purposes of the transfer under this~~
7 ~~subsection (5).~~

8 ~~(6) The revisor of statutes is authorized to change all references~~
9 ~~to the state bank commissioner in this article to refer to the state~~
10 ~~commissioner of financial services and to change all references to the~~
11 ~~division of banking in this article to refer to the division of financial~~
12 ~~services.~~

13 **SECTION 10.** In Colorado Revised Statutes, 11-30-101, **amend**
14 (5) as follows:

15 **11-30-101. Definitions - organization - charter - investigation.**

16 (5) After the ~~said~~ INCORPORATORS FILE A certified copy of articles of
17 incorporation ~~have been filed~~ with the commissioner ~~he~~ AS DESCRIBED IN
18 SUBSECTION (4) OF THIS SECTION, THE COMMISSIONER shall issue a charter
19 for ~~such~~ THE credit union, at which time the credit union ~~shall become~~
20 BECOMES a body corporate ~~having~~ AND HAS the powers enumerated in
21 section 7-103-102, ~~C.R.S.~~, except as otherwise provided or limited in this
22 article ARTICLE 30.

23 **SECTION 11.** In Colorado Revised Statutes, 11-30-106, **amend**
24 (6) as follows:

25 **11-30-106. Examinations - reports - powers of commissioner**
26 **- rules - penalty.** (6) (a) The commissioner ~~has the power to~~ MAY:

27 (I) Issue subpoenas and require attendance of any ~~and all officers,~~

1 ~~directors, agents, and employees~~ OFFICER, DIRECTOR, AGENT, OR
2 EMPLOYEE of any credit union and ~~such~~ ANY other witnesses ~~as he~~ THAT
3 THE COMMISSIONER may deem necessary in relation to ~~its~~ THE CREDIT
4 UNION'S affairs, transactions, and conditions; ~~and may~~

5 (II) Require ~~such~~ witnesses to ~~appear and~~ answer ~~such~~ questions
6 ~~as~~ THAT THE COMMISSIONER may ~~be~~ put to them; ~~by the commissioner,~~
7 ~~and may~~

8 (III) Require ~~such~~ witnesses to produce ~~such~~ books, papers, or
9 documents in their possession. ~~as may be required by the commissioner.~~

10 (b) Upon application of the commissioner, any person served with
11 a subpoena issued by ~~him~~ THE COMMISSIONER may be required, by order
12 of the district court of the county where the credit union has its principal
13 office, to:

14 (I) Appear and answer ~~such~~ questions ~~as~~ THAT THE COMMISSIONER
15 may ~~be~~ put to ~~him~~ ~~by the commissioner~~ THE PERSON; and ~~be required to~~

16 (II) Produce ~~such~~ books, papers, or documents in ~~his~~ THE
17 PERSON'S possession ~~as may be required by~~ THAT the commissioner MAY
18 REQUIRE.

19 **SECTION 12.** In Colorado Revised Statutes, 11-30-109, **amend**
20 (3) as follows:

21 **11-30-109. Directors and officers - compensation.** (3) A credit
22 union may reasonably compensate a director for ~~his or her~~ THE
23 DIRECTOR'S services to the credit union. Providing reasonable life, health,
24 accident, and similar insurance protection is not considered
25 compensation. Directors, officers, and committee members may be
26 reimbursed for necessary expenses incidental to the performance of the
27 official business of the credit union.

1 **SECTION 13.** In Colorado Revised Statutes, **amend** 11-30-110
2 as follows:

3 **11-30-110. Credit committee - credit officer.** The credit
4 committee or credit officer ~~shall have the~~ HAS general supervision of all
5 loans to members. Applications for loans ~~shall~~ MUST be on a form
6 approved by the credit committee or the credit officer. At least a majority
7 of the members of the credit committee or the credit officer shall pass and
8 approve or disapprove all loans; except that the credit committee or the
9 credit officer may ~~appoint~~ DELEGATE TO one or more loan officers ~~and~~
10 ~~delegate to the same~~ the power to approve or disapprove loans ~~which~~
11 THAT are within limits prescribed by the credit committee or the credit
12 officer. Each loan officer shall furnish to the credit committee or the
13 credit officer a record of each loan application received by ~~him~~ THE LOAN
14 OFFICER within seven days after the date ~~of filing of~~ the application IS
15 FILED. All loans not approved by a loan officer may be considered by the
16 credit committee or the credit officer. ~~No~~ A member of the credit
17 committee shall NOT receive any compensation as a loan officer or be
18 employed by the credit union in any other capacity. A credit officer may
19 receive compensation in connection with the performance of ~~his~~ THE
20 CREDIT OFFICER'S duties. The credit committee shall meet as often as may
21 be necessary after due notice to each member. Vacancies in the credit
22 committee shall be filled pursuant to section 11-30-109 (1)(e).

23 **SECTION 14.** In Colorado Revised Statutes, **amend** 11-30-112
24 as follows:

25 **11-30-112. Capital.** The capital of a credit union ~~shall consist~~
26 CONSISTS of the payments that have been made to it in shares by the
27 several members ~~thereof~~ OF THE CREDIT UNION. The credit union has a

1 lien on the shares and deposits of a member for any sum due to the credit
2 union from ~~said~~ THE member or for any loan endorsed by ~~him~~ THE
3 MEMBER. A credit union may charge an entrance fee and an annual
4 membership fee, but ~~such~~ THE fees ~~shall~~ MUST be uniform to all members.

5 **SECTION 15.** In Colorado Revised Statutes, **amend** 11-30-113
6 as follows:

7 **11-30-113. Minors.** Shares may be issued and deposits received
8 in the name of a minor. A member who is a minor ~~shall be entitled to~~
9 MAY withdraw or pledge any shares owned by ~~him~~ THE MINOR and to
10 receive from the credit union any ~~and all~~ dividends or other ~~moneys~~;
11 MONEY at any time the ~~same become~~ DIVIDENDS OR OTHER MONEY
12 BECOMES due, in the same manner and subject to the same conditions as
13 an adult, and any receipt or acquittance signed by ~~such a~~ THE minor ~~shall~~
14 ~~constitute~~ CONSTITUTES a valid release and discharge to the credit union
15 for the payment of such ~~moneys~~ MONEY. The board of directors of the
16 credit union may provide in the bylaws of the credit union a minimum age
17 of any minor to be eligible for membership in the credit union and to vote
18 at any meeting of the members.

19 **SECTION 16.** In Colorado Revised Statutes, 11-30-120, **amend**
20 (1)(a), (1)(c), and (2) as follows:

21 **11-30-120. Suspension - liquidation - procedures.** (1) (a) If it
22 appears that any credit union is insolvent, ~~or~~ that it has willfully violated
23 any provision of this ~~article~~ ARTICLE 30, or that it is operating in an unsafe
24 or unsound manner, the commissioner may ~~issue his order for such~~ THE
25 credit union to show cause why its operations should not be suspended
26 until ~~such~~ THE insolvency, violation, or manner of operation is rectified
27 and afford the credit union an opportunity for a hearing not less than ten

1 days nor more than twenty days after ~~such~~ THE DATE THE order ~~Such~~ IS
2 ISSUED. THE order ~~shall~~ MUST be in writing and delivered by registered or
3 certified mail. If the credit union fails to answer ~~such~~ THE order, or if any
4 officer or director of or attorney for the credit union fails to appear at the
5 time set for the hearing, the commissioner MAY either ~~may~~ revoke the
6 certificate of incorporation of the credit union or ~~may~~ order the immediate
7 suspension of operations of the credit union, except FOR the collection of
8 payments on outstanding loans or other obligations due TO the credit
9 union, or both, and may enforce ~~any such~~ THE order by an action filed in
10 the district court of the judicial district ~~wherein~~ WHERE the principal
11 office of the credit union is located, seeking to enjoin further operations
12 or to appoint a receiver for ~~such~~ THE credit union.

13 (c) If the commissioner revokes the charter of the credit union, ~~he~~
14 THE COMMISSIONER shall appoint a liquidating agent to liquidate the
15 assets of the credit union pursuant to subsection (3) of this section.

16 (2) Any credit union may be voluntarily dissolved and liquidated
17 upon majority vote of the entire membership ~~thereof~~ OF THE CREDIT
18 UNION at a meeting especially called for ~~the~~ THAT purpose or at the annual
19 meeting where notice of ~~such~~ THE proposed action is mailed to the
20 members at least thirty days ~~prior to such~~ BEFORE THE meeting. In either
21 event, a copy of the notice shall be delivered to the commissioner not less
22 than ten days ~~prior to such~~ BEFORE THE meeting. Any member of a credit
23 union may cast ~~his~~ THE MEMBER'S ballot for or against ~~such~~ THE
24 dissolution and liquidation by mail within twenty days after ~~such~~ THE
25 meeting. If a majority of the members of the credit union vote in favor of
26 dissolution and liquidation, the board of directors, within five days after
27 the close of voting, shall notify the commissioner of ~~such~~ THE action and

1 specify the names and addresses of the directors and officers of the credit
2 union who will conduct the dissolution and liquidation of the credit
3 union. Upon ~~such~~ THE favorable vote, the credit union shall cease to do
4 business except for the collection of payments on outstanding loans or
5 other obligations due TO the credit union.

6 **SECTION 17.** In Colorado Revised Statutes, 11-40-105, **amend**
7 (2) as follows:

8 **11-40-105. File annual reports.** (2) If ~~any~~ AN association fails
9 to file ~~such~~ A report AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, or
10 if ~~any~~ ~~such~~ THE report is delayed or withheld beyond the day when the
11 report should be so filed, ~~such~~ THE association shall ~~forfeit and~~ pay the
12 sum of ten dollars for every day ~~such~~ THE report is withheld or delayed or
13 not completed, and any member of any association or any party in interest
14 may maintain an action in ~~his or her~~ THE MEMBER'S OR OTHER PARTY'S
15 own name to receive ~~such~~ THE penalty, and the penalty shall be paid to
16 the state treasurer.

17 **SECTION 18.** In Colorado Revised Statutes, **amend** 11-40-109
18 as follows:

19 **11-40-109. Suits interfering with business of association.** ~~No~~
20 AN order, A judgment, or A decree providing for an accounting of, or
21 enjoining, restraining, or interfering with the transaction of, the business
22 of any savings and loan association organized or doing business under ~~the~~
23 ~~provisions of~~ articles 40 to 46 of this ~~title~~ TITLE 11 shall NOT be made or
24 granted otherwise than upon the application of the attorney general, after
25 ~~his or her~~ THE ATTORNEY GENERAL'S approval of a written request
26 ~~therefor~~ by the commissioner FOR THE ORDER, JUDGMENT, OR DECREE,
27 except in an action by a judgment creditor or in proceedings

1 supplementary to execution.

2 **SECTION 19.** In Colorado Revised Statutes, 11-41-107, **amend**
3 (2) introductory portion and (3) as follows:

4 **11-41-107. Documents deposited with commissioner.** (2) Upon
5 receipt of ~~such~~ THE documents DESCRIBED IN SUBSECTION (1) OF THIS
6 SECTION, the commissioner shall immediately examine and investigate
7 ~~into~~ the advisability of issuing a certificate of approval for ~~such~~ THE
8 association, and ~~he~~ THE COMMISSIONER shall issue ~~such~~ A certificate of
9 approval if, upon examination, the commissioner finds:

10 (3) If the ~~commissioner's finding is adverse to the association in~~
11 ~~any of the particulars recited in~~ COMMISSIONER FINDS THAT THE
12 ASSOCIATION DOES NOT MEET ANY OF THE REQUIREMENTS OF subsection
13 (2) of this section, ~~he~~ THE COMMISSIONER shall not issue a certificate of
14 approval.

15 **SECTION 20.** In Colorado Revised Statutes, **amend** 11-41-108
16 as follows:

17 **11-41-108. Refusal of certificate - appeal.** If the commissioner,
18 after an examination, believes for any reason that a certificate of approval
19 should not be issued and refuses to issue ~~the same,~~ ~~he~~ A CERTIFICATE OF
20 APPROVAL, THE COMMISSIONER shall file a written statement with ~~a board~~
21 ~~consisting of~~ the governor, the attorney general, and the state treasurer,
22 ~~of the state of Colorado~~ giving in detail ~~his~~ THE COMMISSIONER'S reasons
23 for ~~such~~ THE refusal. After notice to all concerned and after a hearing,
24 ~~said board~~ THE GOVERNOR, ATTORNEY GENERAL, AND STATE TREASURER
25 may order the commissioner to issue the certificate of approval or may
26 approve ~~his~~ THE COMMISSIONER'S action in refusing a certificate of
27 approval.

1 **SECTION 21.** In Colorado Revised Statutes, 11-41-109, **amend**
2 (1) introductory portion, (1)(a), (1)(c), and (2) as follows:

3 **11-41-109. Certificate of approval - where articles filed.** (1) If
4 the commissioner finds affirmatively for the association upon all the
5 matters set forth in section 11-41-107, ~~he~~ THE COMMISSIONER shall issue
6 a certificate of approval ~~under his hand and seal, executed~~ in duplicate
7 within sixty days ~~thereafter, in~~ AFTER THE FINDING, which ~~shall be recited~~
8 CERTIFICATE RECITES in substance the following:

9 (a) That the articles of incorporation and bylaws have been filed
10 in ~~his~~ THE COMMISSIONER'S office;

11 (c) That ~~he~~ THE COMMISSIONER has approved the ~~same~~ ARTICLES
12 OF INCORPORATION AND BYLAWS.

13 (2) The commissioner shall attach one of ~~said~~ THE certificates to
14 each copy of the articles of incorporation, ~~and shall~~ retain one copy of the
15 articles of incorporation and bylaws in ~~his~~ THE COMMISSIONER'S office,
16 and return the other copy of the articles and bylaws, with the certificate
17 of approval attached, ~~thereto,~~ to the association. Upon receipt ~~from the~~
18 ~~commissioner~~ of the articles of incorporation, the association shall file the
19 ~~same~~ ARTICLES OF INCORPORATION with the secretary of state, and
20 certified copies of the articles of incorporation shall be filed by the
21 association in the office of the county clerk and recorder of each county
22 in this state in which ~~said~~ THE association may own real estate. The
23 failure to file a certified copy in the office of the clerk and recorder of any
24 county in this state ~~shall~~ DOES not affect the validity of the incorporation
25 of any association ~~which~~ THAT has made its filing with the secretary of
26 state and has obtained a certificate of approval. In the event a true copy
27 of ~~such~~ THE articles of incorporation is presented to the secretary of state

1 with the request that the ~~same~~ ARTICLES OF INCORPORATION be certified,
2 ~~he~~ THE SECRETARY OF STATE shall certify the ~~same~~ ARTICLES OF
3 INCORPORATION for a fee ~~which shall be~~ IN AN AMOUNT THAT IS
4 determined and collected pursuant to section 24-21-104 (3). ~~C.R.S.~~;
5 ~~which~~ THE certificate ~~shall~~ MUST contain, in addition to the usual
6 statement, a statement that the ~~same~~ ATTACHED COPY is a true copy of the
7 original articles of incorporation on file in ~~his~~ THE SECRETARY OF STATE'S
8 office and a statement as to the date of the filing of ~~such~~ THE articles of
9 incorporation. When articles of incorporation or amendments ~~thereto~~ TO
10 ARTICLES OF INCORPORATION have been filed in the office of the secretary
11 of state, ~~he~~ THE SECRETARY OF STATE shall record and carefully preserve
12 ~~the same~~ THEM in ~~his~~ THE SECRETARY OF STATE'S office, and a copy
13 ~~thereof~~ OF THE ARTICLES OF INCORPORATION OR AMENDMENTS, duly
14 certified by the secretary of state under the great seal of the state of
15 Colorado, ~~shall be~~ IS evidence of the existence of ~~such~~ THE association
16 and prima facie evidence of the contents of ~~said~~ THE articles of
17 incorporation or ~~such~~ amendments. ~~thereto~~.

18 **SECTION 22.** In Colorado Revised Statutes, 11-41-114, **amend**
19 (1) introductory portion and (1)(i)(III) as follows:

20 **11-41-114. How funds invested.** (1) ~~Any~~ A savings and loan
21 association may invest any portion of its funds in any of the following:

22 (i) (III) ~~No~~ AN association organized under the laws of this state
23 shall NOT acquire the capital stock, obligations, or other securities of any
24 ~~such~~ corporation DESCRIBED IN SUBSECTION (1)(i)(I) OF THIS SECTION
25 until ~~there~~ THE CORPORATION has ~~been~~ filed in the office of the
26 commissioner a statement ~~by such corporation~~ agreeing to permit and pay
27 all costs of ~~such~~ ANY examinations or audits of the corporation by the

1 commissioner ~~as he~~ THAT THE COMMISSIONER deems necessary in order
2 to confirm compliance with ~~the provisions of this paragraph (i)~~
3 SUBSECTION (1)(i).

4 **SECTION 23.** In Colorado Revised Statutes, 11-41-117, **amend**
5 (2) as follows:

6 **11-41-117. Insurance of shares.** (2) The commissioner, in
7 connection with all such insured associations, shall furnish ~~said~~ THE
8 FEDERAL DEPOSIT insurance corporation with reports of THE ISSUANCE OF
9 examination, orders, and requirements ~~issued in connection therewith~~
10 RELATING TO INSURED ASSOCIATIONS and other information ~~coming to his~~
11 THAT COMES TO THE COMMISSIONER'S attention ~~bearing on~~ AND CONCERNS
12 the financial condition and administration ~~and~~ OF INSURED ASSOCIATIONS.
13 THE COMMISSIONER may collaborate with ~~said~~ THE FEDERAL DEPOSIT
14 INSURANCE corporation in any merger, reorganization, dissolution,
15 liquidation, or examination and audit of any ~~such~~ insured association.

16 **SECTION 24.** In Colorado Revised Statutes, 11-41-117.5,
17 **amend** (4) as follows:

18 **11-41-117.5. Insurance of obligations.** (4) The commissioner or
19 ~~his duly designated representative~~ THE COMMISSIONER'S DESIGNEE may
20 investigate the affairs and examine the books, accounts, records, and files
21 of the insurer at ~~such~~ intervals ~~as~~ THAT the commissioner deems prudent,
22 but not less than once a year, and ~~shall~~ have free access for such purposes.
23 Costs of ~~such~~ investigations and examinations shall be paid by the
24 insurer. If any ~~such~~ investigation or examination reveals that the insurer
25 is not conducting its affairs in accordance with this section or that the
26 insurer is not actuarially sound or is impaired and may be unable to fulfill
27 its obligations, the commissioner may exercise any powers available

1 under article 44 of this ~~title~~ TITLE 11 until ~~such time as~~ compliance is
2 restored or the impairment is terminated.

3 **SECTION 25.** In Colorado Revised Statutes, 11-41-119, **amend**
4 (5) as follows:

5 **11-41-119. Loans to members and other loans.** (5) (a) ~~Loans~~
6 A LOAN secured by ~~first lien trust deeds or mortgages~~ A FIRST-LIEN TRUST
7 DEED OR MORTGAGE upon improved real estate shall not be made until:

8 (I) A signed application for ~~such~~ THE loan has been submitted; ~~nor~~
9 ~~until~~

10 (II) A signed appraisal has been submitted; ~~nor until~~ AND

11 (III) The loan has been approved by the board of directors or by
12 a committee authorized by the board of directors.

13 (b) Appraisals may be made by any two of the association's
14 directors, officers, employees, or attorneys or by an independent appraiser
15 who is not a director, officer, employee, or attorney of the association; ~~but~~
16 ~~no such~~ EXCEPT THAT AN officer, A director, AN employee, or AN attorney
17 shall NOT act as an appraiser ~~nor~~ OR act on any committee approving a
18 loan ~~in which he~~ IF THE OFFICER, DIRECTOR, EMPLOYEE, OR ATTORNEY has
19 an interest ~~either~~ in EITHER the property tendered as security or ~~in~~ the sale
20 of the property.

21 (c) ~~The association shall furnish to each borrower,~~ Upon the
22 closing of the loan, THE ASSOCIATION SHALL FURNISH TO EACH BORROWER
23 a loan settlement statement ~~indicating~~ THAT INDICATES in detail the
24 charges or fees ~~such~~ THE borrower has paid or obligated ~~himself~~ THE
25 BORROWER to pay to the association or to any other person in connection
26 with ~~such~~ THE loan, and THE ASSOCIATION SHALL RETAIN a copy of ~~such~~
27 THE statement. ~~shall be retained in the records of the association.~~

1 **SECTION 26.** In Colorado Revised Statutes, 11-41-121, **amend**
2 (1.5)(c), (3), (4), and (6); and **repeal** (5) as follows:

3 **11-41-121. Merger, consolidation, and transfer.**

4 (1.5) (c) Whenever a foreign association ~~which~~ THAT meets the criteria
5 established by this subsection (1.5) proposes to merge with a domestic
6 association, the foreign association shall make an application for prior
7 approval to the commissioner in ~~such~~ THE form and with ~~such~~ THE
8 information that the commissioner may require, and ~~such~~ THE application
9 ~~shall~~ MUST be accompanied by a nonrefundable filing fee in ~~such~~ AN
10 amount ~~as~~ determined by the commissioner. Upon receipt of a properly
11 submitted application for merger, the commissioner shall proceed to
12 investigate the application in accordance with ~~the provisions of~~ this
13 section. The commissioner shall not grant approval of the merger until ~~he~~
14 THE COMMISSIONER is satisfied that the criteria imposed by this section
15 have been met and that the merger is not contrary to the public interest.

16 (3) Copies of the proposed agreement of merger, signed by the
17 president or vice president of ~~such~~ THE association and verified by ~~his~~
18 THE PRESIDENT'S OR VICE PRESIDENT'S affidavit and attested by the
19 secretary or assistant secretary ~~thereof~~ OF THE ASSOCIATION, with the seal
20 of the association ~~thereunto~~ affixed, shall be submitted together with a fee
21 in the amount established by the commissioner to the commissioner for
22 ~~his~~ THE COMMISSIONER'S approval or disapproval, and ~~he~~ THE
23 COMMISSIONER shall cause a certificate of approval or disapproval to be
24 attached to ~~said~~ THE copies of the proposed agreement, one copy to be
25 filed in the division and one returned to each of the associations.

26 (4) If ~~approved by~~ the commissioner ~~such approved~~ APPROVES AN
27 AGREEMENT OF MERGER, THE agreement shall be presented to the

1 members of each of the merging associations at special meetings called
2 for the purpose of considering and voting upon ~~such approved~~ THE
3 agreement; but, in the case of associations having permanent stock, only
4 the holders of the permanent stock ~~shall be~~ ARE entitled to any notice
5 other than the published notice of ~~such~~ THE special meeting or to vote
6 upon the agreement of merger. The complete agreement of merger, as
7 adopted by the boards of directors and approved by the commissioner,
8 shall be furnished TO each member entitled to vote on ~~such~~ THE merger
9 at the time THAT notice of ~~such~~ THE meetings, as required by section
10 11-41-123, is given. If at ~~such meetings~~ A MEETING two-thirds of all votes
11 of the members present in person or by proxy and entitled to vote on ~~such~~
12 THE merger are in favor of ~~such~~ THE approved agreement, the associations
13 may proceed to merge. ~~in accordance therewith.~~ The proceedings of ~~such~~
14 THE meetings shall be submitted to the commissioner for ~~his~~ THE
15 COMMISSIONER'S approval in the same manner as required for the
16 submission of the agreement by the boards of directors. Unless the
17 agreement of merger fixes a later effective date, ~~thereof,~~ the effective date
18 of THE merger ~~shall be~~ IS the date upon which the commissioner accepts
19 for filing the certified copies of the proceedings of the meetings of
20 members adopting the approved agreement of merger.

21 (5) ~~In the event any association involved in a proposed merger is~~
22 ~~a federal savings and loan association, the commissioner shall transmit to~~
23 ~~the federal office of thrift supervision or its successor, a copy of the~~
24 ~~proposed agreement of merger and shall not approve the agreement of~~
25 ~~merger unless and until he or she has been advised in writing by the~~
26 ~~federal office of thrift supervision or its successor that said office has no~~
27 ~~objection to the agreement.~~

1 (6) (a) ~~No such~~ A transfer ~~shall~~ DOES NOT:

2 (I) Prejudice the right of any creditor of any ~~such~~ association to
3 have payment of ~~his~~ THE CREDITOR'S debt out of the assets and property
4 ~~thereof, nor shall any creditor be thereby deprived of or prejudiced~~ OF THE
5 ASSOCIATION; OR

6 (II) DEPRIVE ANY CREDITOR OF, OR CREATE ANY PREJUDICE
7 AGAINST ANY CREDITOR in, any right of action then existing against the
8 officers or directors of ~~said~~ AN association for any neglect or misconduct.
9 ~~and the~~

10 (b) A reorganized association ~~shall be~~ IS liable for all obligations
11 to members of the associations existing prior to ~~such~~ A consolidation.

12 **SECTION 27.** In Colorado Revised Statutes, 11-41-123, **amend**
13 (2), (4), and (5) as follows:

14 **11-41-123. Directors and meetings.** (2) Public notice of the time
15 and place of holding ~~such~~ elections DESCRIBED IN SUBSECTION (1) OF THIS
16 SECTION and also of all special meetings of the members shall be
17 published at least once, not more than thirty days nor less than ten days
18 ~~prior to~~ BEFORE the date ~~fixed for said~~ OF EACH meeting, in a newspaper
19 of general circulation printed in the county where the principal office of
20 ~~said~~ THE corporation is located, and, if there is no such newspaper, then
21 in a newspaper printed in an adjoining county, and, with respect to any
22 special meeting or any annual meeting to be held at a time or place other
23 than as specified in the articles of incorporation or bylaws of the
24 association, by delivering personally to each member or depositing in the
25 post office at least thirty days before ~~such~~ THE meeting a copy of ~~said~~ THE
26 notice, addressed to each member entitled to vote, ~~thereat, with~~
27 INCLUDING the signature of the president or secretary, ~~printed thereon,~~

1 stating the time and, in case of special meetings, the objects of ~~said~~ THE
2 meeting. ~~and no~~ Business shall NOT be transacted at any special meeting
3 except ~~such as shall be~~ BUSINESS THAT IS mentioned in ~~said~~ THE notice.
4 If any member fails to furnish the secretary with ~~his~~ THE MEMBER'S
5 correct post-office address, ~~he shall~~ THE MEMBER IS not ~~be~~ entitled to
6 separate notice.

7 (4) Members who are entitled to vote may vote either in person or
8 by proxy at ~~such~~ meetings. Any number of members present in person or
9 by proxy at a regular or special meeting of the members ~~shall constitute~~
10 CONSTITUTES a quorum unless otherwise specifically provided in articles
11 40 to 46 of this ~~title~~ TITLE 11. If a majority of the votes represented at any
12 annual or special meeting are in favor of adjournment, ~~such~~ THE meeting
13 may be adjourned for a period not to exceed sixty days at one
14 adjournment. Each member entitled to vote ~~shall be permitted to~~ MAY
15 cast, in person or by proxy, one vote for each one hundred dollars, or
16 fraction thereof, of the total certificate value of all ~~his~~ THE MEMBER'S
17 shares and stock. A borrowing member holding a membership certificate
18 ~~shall be permitted~~ MAY, as a borrower, ~~to~~ cast one vote and has such
19 voting right in all cases where articles 40 to 46 of this ~~title~~ TITLE 11 give
20 such right to shareholders.

21 (5) A majority of all votes cast at any meeting of members ~~shall~~
22 ~~determine~~ DETERMINES any question unless otherwise specifically
23 provided. The members who are entitled to vote at any meeting of the
24 members shall be those of record on the books of the association at the
25 end of the calendar month next preceding the date of the meeting of
26 members, except those who have ceased to be members. In balloting for
27 directors, members may vote for as many directors as are to be elected, or,

1 in case the certificate of incorporation of the association permits
2 cumulative voting, each member may cumulate ~~his~~ THE MEMBER'S votes
3 and give one candidate as many votes as the number of directors
4 multiplied by the number of ~~his~~ THE MEMBER'S votes or distribute them
5 on the same principle among as many candidates as ~~he~~ THE MEMBER may
6 desire, and the person having the highest number of votes in consecutive
7 order ~~shall be declared~~ IS elected. By the unanimous vote of all the
8 members represented at ~~such~~ THE meeting, the secretary of the meeting
9 may be authorized and instructed to cast one ballot for one or more of all
10 the directors to be elected.

11 **SECTION 28.** In Colorado Revised Statutes, **amend** 11-41-126
12 as follows:

13 **11-41-126. Bonds of officers.** Every officer, employee, and agent
14 handling or having custody or charge of funds or securities belonging to
15 a savings and loan association, before entering upon the discharge of ~~his~~
16 THE OFFICER'S, EMPLOYEE'S, OR AGENT'S duties, shall give a good and
17 sufficient bond in ~~such~~ THE sum ~~as may be~~ fixed by the board of directors
18 of any such association. ~~Such~~ THE bond ~~shall~~ MUST be in ~~such~~ THE form
19 and provide ~~such~~ coverage as the commissioner may direct and ~~shall~~
20 MUST be made by a surety corporation authorized to do business in this
21 state. The amount of ~~such~~ THE bond as to each person ~~shall be~~ IS subject
22 to the approval of the commissioner. In lieu of individual bonds, a blanket
23 bond covering all active officers, agents, and employees of ~~such~~ AN
24 association may be executed, subject to approval by the commissioner.
25 Every ~~such~~ bond ~~shall be~~ IS in force until ten days after notice IS
26 PROVIDED to ~~such~~ THE commissioner that the ~~same~~ BOND is to be
27 canceled.

1 **SECTION 29.** In Colorado Revised Statutes, **amend** 11-41-128
2 as follows:

3 **11-41-128. Acknowledgments.** ~~No~~ A notary public or other
4 public officer qualified to take acknowledgments or proof of written
5 instruments shall NOT be disqualified from taking the acknowledgment or
6 proof of an instrument in writing in which a savings and loan association
7 is interested by reason of ~~his~~ THE NOTARY PUBLIC'S OR OTHER PUBLIC
8 OFFICER'S employment by, or ~~his~~ THE NOTARY PUBLIC OR OTHER PUBLIC
9 OFFICER being a member or officer of, the savings and loan association
10 interested in ~~such~~ THE instrument.

11 **SECTION 30.** In Colorado Revised Statutes, 11-41-129, **amend**
12 (4) as follows:

13 **11-41-129. Amendment of articles of incorporation.** (4) A
14 certificate setting forth ~~such~~ AN amendment and the adoption ~~thereof~~ OF
15 THE AMENDMENT, signed by the president or vice president of ~~such~~ THE
16 association, verified by ~~his~~ THE PRESIDENT'S OR VICE PRESIDENT'S
17 affidavit, and attested by the secretary or assistant secretary ~~thereof~~ OF
18 THE ASSOCIATION, with the seal of the association ~~thereunto~~ affixed, shall
19 be submitted ~~together~~ TO THE COMMISSIONER with ~~the~~ A fee IN AN
20 AMOUNT established by the commissioner. ~~to the commissioner for his~~
21 ~~approval or disapproval, and; If he~~ THE COMMISSIONER approves ~~he~~ THE
22 PROPOSED AMENDMENT, THE COMMISSIONER shall ~~cause~~ ATTACH a
23 certificate of approval ~~to be attached to said~~ THE proposed amendment,
24 and then the ~~same~~ AMENDMENT shall be filed in the same manner as THE
25 articles of incorporation. ~~and~~ Thereafter, ~~said~~ THE amendment ~~shall be~~ IS
26 in full force and effect, ~~to the same extent~~, except as provided in section
27 11-41-130.5, as if the ~~same~~ AMENDMENT had been included in the original

1 articles of incorporation. ~~No~~ AN amendment to the articles of
2 incorporation shall NOT be filed in the office of the secretary of state ~~of~~
3 ~~the state of Colorado~~ or received by the secretary of state unless a
4 certificate of approval by the commissioner is attached ~~thereto~~ TO THE
5 AMENDMENT.

6 **SECTION 31.** In Colorado Revised Statutes, 11-41-130, **amend**
7 (1), (2), and (6) as follows:

8 **11-41-130. Reorganization.** (1) The board of directors of ~~any~~ AN
9 association ~~at a meeting called for that purpose,~~ may adopt a plan of
10 reorganization of the association AT A MEETING CALLED FOR THAT
11 PURPOSE. Two copies of the proposed plan of reorganization, signed by
12 the president or vice president of ~~such~~ THE association, verified by ~~his~~
13 THE PRESIDENT'S OR VICE PRESIDENT'S affidavit, and attested by the
14 secretary or assistant secretary ~~thereof~~ OF THE ASSOCIATION, with the seal
15 of the association ~~thereunto~~ affixed, shall be submitted to the
16 commissioner for ~~his~~ THE COMMISSIONER'S approval, ~~or disapproval,~~ and
17 ~~he~~ THE COMMISSIONER shall ~~cause~~ ATTACH a certificate of approval or
18 disapproval ~~to be attached to said~~ THE proposed plan, one copy to be filed
19 in the division and one returned to the association. If A PLAN IS approved
20 by the commissioner, ~~such approved plan~~ IT shall be presented to the
21 members at a special meeting called for the purpose of considering and
22 voting upon ~~such approved~~ THE plan. The complete plan of
23 reorganization, as adopted by the board of directors and approved by the
24 commissioner, shall be furnished TO each member at the time notice of
25 ~~such~~ THE meeting IS GIVEN, as required by section 11-41-123. ~~is given.~~ If
26 at ~~such~~ THE meeting two-thirds of all votes of the members present in
27 person or by proxy are in favor of ~~such~~ THE approved plan, the

1 association may proceed to reorganize. ~~in accordance therewith.~~

2 (2) The proceedings of ~~such~~ A meeting TO APPROVE A
3 REORGANIZATION PLAN shall be submitted to the commissioner for ~~his~~
4 THE COMMISSIONER'S approval in the same manner as required for the
5 submission of the plan by the board of directors. Unless the plan of
6 reorganization fixes a later effective date, ~~thereof~~, the effective date of
7 reorganization ~~shall be~~ IS the date upon which the commissioner accepts
8 for filing the certified copies of the proceedings of the meetings of
9 members adopting the approved plan of reorganization.

10 (6) The reorganization of ~~such~~ AN association ~~shall~~ DOES not
11 prejudice the right of any creditor of ~~any such~~ THE association to have
12 payment of ~~his~~ THE CREDITOR'S debt out of the assets and property ~~thereof~~
13 OF THE ASSOCIATION, nor ~~shall~~ DOES THE REORGANIZATION OF AN
14 ASSOCIATION DEPRIVE any creditor ~~be thereby deprived of~~, or ~~prejudiced~~
15 PREJUDICE ANY CREDITOR in, any right of action then existing against the
16 officers or directors of ~~said~~ THE association for any neglect or
17 misconduct. All obligations to any ~~such~~ prior association ~~shall~~ inure to the
18 benefit of the reorganized association and ~~shall be~~ ARE enforceable by it
19 and in its name, and demands, claims, and rights of action against any
20 ~~such~~ PRIOR association may be enforced against it as fully and completely
21 as they might have been enforced ~~theretofore~~; ~~and~~ BEFORE THE
22 ASSOCIATION'S REORGANIZATION. All deeds, notes, mortgages, contracts,
23 judgments, transactions, and proceedings whatsoever ~~theretofore~~ made,
24 received, entered into, carried on, or done by ~~such~~ AN association before
25 ~~such~~ ITS reorganization ~~shall be as~~ ARE good, valid, and effectual in law
26 as though ~~such~~ THE association had never been reorganized.

27 **SECTION 32.** In Colorado Revised Statutes, 11-41-130.5,

1 **amend** (1), (3)(a)(I), and (3)(b) as follows:

2 **11-41-130.5. Cessation of business as an association -**
3 **amendment of articles.** (1) Notwithstanding any provision of this ~~article~~
4 ARTICLE 41 to the contrary, in connection with the sale of all or a
5 substantial part of its assets, the board of directors of any savings and loan
6 association may propose an amendment to its articles of incorporation to
7 amend the objects and purposes to conform to those authorized in the
8 "Colorado Business Corporation Act", articles 101 to 117 of title 7,
9 ~~C.R.S.~~, and to make ~~such~~ other amendments authorized by and not
10 inconsistent with ~~the provisions of~~ article 110 of title 7. ~~C.R.S. Such~~
11 Proposed amendments shall be submitted to the members or, if the
12 savings and loan association has permanent stock, to the stockholders of
13 ~~said~~ THE association for their approval. Upon approval, ~~said~~ PROPOSED
14 amendments shall be submitted to the commissioner, ~~together~~ with a plan
15 pursuant to subsection (2) of this section, for ~~his~~ THE COMMISSIONER'S
16 approval.

17 (3) (a) The commissioner shall approve a plan only if:

18 (I) ~~He~~ THE COMMISSIONER determines that an association has paid
19 or has made provision through an assumption agreement or otherwise for
20 its known and unclaimed liabilities to its depositors and account holders;

21 (b) In approving a plan, the commissioner may impose ~~such~~ terms
22 and conditions as ~~he~~ THE COMMISSIONER deems necessary to protect the
23 depositors, account holders, stockholders, members, and creditors of the
24 savings and loan association.

25 **SECTION 33.** In Colorado Revised Statutes, 11-41-131, **amend**
26 (1), (3), and (4) as follows:

27 **11-41-131. Dissolution.** (1) ~~Any~~ A domestic association may

1 elect to abandon its certificate of authority, liquidate its affairs, and
2 dissolve as provided in this section. The affirmative vote of at least a
3 majority of the BOARD OF directors must be cast in favor of ~~such proposal~~
4 A PROPOSED DISSOLUTION at a special meeting ~~thereof~~ OF THE BOARD. A
5 certified copy of ~~such action shall~~ THE VOTE MUST be furnished to the
6 commissioner, who shall ~~forthwith~~ PROMPTLY examine ~~said~~ THE
7 association, and, if ~~he~~ THE COMMISSIONER determines that ~~such~~ THE
8 association is solvent and that it is ~~to~~ IN the best interests of the members
9 that ~~such~~ liquidation be accomplished ~~in the manner provided in~~
10 ACCORDING TO this section, ~~he~~ THE COMMISSIONER shall certify ~~his~~ THE
11 COMMISSIONER'S approval ~~thereto. Upon the granting of such~~ OF THE
12 LIQUIDATION. AFTER THE COMMISSIONER'S approval, a special meeting of
13 all members entitled to vote shall be called ~~in the manner provided by~~
14 PURSUANT TO section 11-41-123. If a majority vote of all such members
15 of the association is cast in favor of the proposal to liquidate and
16 ultimately dissolve ~~such~~ THE association under ~~the provisions of this~~
17 section, ~~such~~ THE proposal ~~shall be~~ IS deemed adopted. A certified copy
18 of all proceedings taken prior to and at ~~such~~ THE meeting shall be filed
19 with the commissioner, who shall determine whether ~~or not such~~ THE
20 proceedings have been conducted in accordance with law. If the
21 commissioner finds that ~~such~~ THE proceedings are legal and proper, ~~he~~
22 THE COMMISSIONER shall certify ~~his~~ THE COMMISSIONER'S approval
23 ~~thereon~~ OF THE PROCEEDINGS and authorize ~~said~~ THE association to
24 proceed with the liquidation in the manner provided in this section.

25 (3) ~~The association,~~ During the liquidation of ~~the~~ ITS assets, ~~of the~~
26 AN association ~~shall be~~ IS subject to the supervision of the commissioner
27 and shall pay ~~such~~ THE fees and assessments ~~as are provided for~~

1 REQUIRED in articles 40 to 46 of this ~~title~~ TITLE 11 in the case of active
2 associations and shall report the progress of ~~such~~ THE liquidation to the
3 commissioner as ~~he~~ THE COMMISSIONER may require. Upon completion
4 of liquidation, a final report and accounting of the affairs of the
5 association shall be made to the commissioner. Upon the approval of ~~such~~
6 THE report by the commissioner, the board of directors, without the
7 necessity of further action by the members of the association, shall
8 proceed to dissolve ~~such~~ THE association in the manner provided by law
9 in the case of general corporations.

10 (4) Nothing in this section ~~shall prejudice the rights~~ PREJUDICES
11 THE RIGHT of the commissioner to take possession of any association
12 under the authority vested in ~~him~~ THE COMMISSIONER by ~~the provisions~~
13 of section 11-44-110, upon determining that ~~such~~ THE procedure is ~~to~~ IN
14 the best interest of the members.

15 **SECTION 34.** In Colorado Revised Statutes, 11-41-132, **amend**
16 (3) as follows:

17 **11-41-132. Escheat proceedings.** (3) After thirty days from the
18 date of the last publication, the commissioner shall pay to the state
19 treasurer any ~~such~~ liquidating dividends in ~~his~~ THE COMMISSIONER'S
20 possession, less the costs of publication and mailing, and shall file with
21 the state treasurer the affidavit of publication by the publisher and the
22 affidavit of mailing by the commissioner, showing the dates of ~~such~~ THE
23 publications and mailing. The state shall be answerable for ~~such funds~~
24 THE MONEY, without interest, anytime within twenty-one years after the
25 same ~~have~~ MONEY HAS been paid into the treasury, to ~~such~~ persons as
26 shall be THAT ARE legally entitled ~~thereto~~ TO THE MONEY. After ~~the lapse~~
27 of twenty-one years from the time ~~any such moneys have~~ THE MONEY HAS

1 (1) Stockholders, after their stock has been fully paid, are not liable to
2 creditors or for assessments upon their stock issued on or after July 1,
3 1981, except as provided by this section. If the commissioner, as a result
4 of any examination or from any report made to ~~him~~ THE COMMISSIONER,
5 finds that the permanent stock of ~~any~~ AN association is impaired, ~~he~~ THE
6 COMMISSIONER shall notify the association that ~~such~~ THE impairment
7 exists. In the event the amount of the impairment, as determined by the
8 commissioner, is questioned by the association, then, upon application
9 filed within ten days, the value of the assets in question shall be
10 determined by appraisals made by independent appraisers acceptable to
11 the commissioner and the association.

12 **SECTION 37.** In Colorado Revised Statutes, 11-42-109, **amend**
13 (1) as follows:

14 **11-42-109. Sale of delinquent stock.** (1) If ~~any~~ A stockholder
15 refuses or neglects to pay the assessment specified in ~~such~~ A notice
16 PROVIDED PURSUANT TO SECTION 11-42-108 (2) within sixty days ~~from~~
17 AFTER the date of mailing, the directors of ~~such~~ THE association ~~shall have~~
18 ~~the right to~~ MAY sell to the highest bidder at public auction any part or all
19 of the stock necessary to pay the assessment of ~~such~~ THE stockholder,
20 after giving a previous notice of ~~such~~ THE sale for ten days in a newspaper
21 of general circulation published in the county where the principal office
22 of ~~such~~ THE association ~~in this state~~ is located. ~~and~~ A copy of ~~such~~ THE
23 notice of sale shall also be served on ~~such~~ THE stockholder by mailing a
24 copy of the notice to ~~his~~ THE STOCKHOLDER'S last known address ten days
25 before the day fixed for ~~such~~ THE sale. ~~or such~~ THE stock may ALSO be
26 sold at a private sale ~~and~~ without public notice; ~~but~~ EXCEPT THAT, before
27 making ~~such~~ A private sale, ~~thereof~~; THE BOARD OF DIRECTORS SHALL

1 OBTAIN an offer in writing ~~shall first be obtained~~ and SERVE a copy
2 ~~thereof served~~ OF THE OFFER upon the owner of record of the stock ~~to be~~
3 ~~sold~~ by mailing a copy of ~~such~~ THE offer to ~~his~~ THE OWNER'S last known
4 address. ~~and~~, If, after service of ~~such~~ THE offer, ~~such~~ THE owner still
5 refuses or neglects to pay ~~such~~ THE assessment ~~within~~ FOR thirty days,
6 ~~from the time of the service of such offer~~, the directors may accept the
7 offer and sell ~~such~~ THE stock to the person making ~~such~~ THE offer or to
8 any other person making a larger AN offer ~~than the~~ IN A LARGER amount.
9 ~~named in the offer submitted to the stockholder, but such stock in no~~
10 ~~event shall be sold~~ THE BOARD OF DIRECTORS SHALL NOT SELL THE STOCK
11 for less than the amount of ~~such~~ THE assessment ~~so called for~~ and the
12 expense of the sale.

13 **SECTION 38.** In Colorado Revised Statutes, 11-42-112, **amend**
14 (2) and (3) as follows:

15 **11-42-112. Requirements for sale of permanent stock.** (2) If
16 ~~he~~ THE COMMISSIONER finds that the proposed issue ~~is such as~~ OF STOCK
17 will not mislead the public as to the nature of the investment or will not
18 work a fraud upon the purchaser ~~thereof~~ OF THE STOCK, the commissioner
19 shall issue to the association a permit authorizing it to issue and dispose
20 of its stock in ~~such~~ THE amounts ~~as~~ PROVIDED BY the commissioner ~~may~~
21 ~~in such permit provide~~ IN THE PERMIT; otherwise, ~~he~~ THE COMMISSIONER
22 shall deny the application and notify the association in writing of ~~his~~ THE
23 COMMISSIONER'S decision.

24 (3) Every permit ~~shall recite~~ MUST STATE in bold type that the
25 issuance ~~thereof~~ OF THE PERMIT is permissive only and does not constitute
26 a recommendation or endorsement of the stock permitted to be issued.
27 The commissioner may ~~impose conditions requiring~~ REQUIRE the

1 impoundment of the proceeds from the sale of ~~such~~ stock, ~~and limiting~~
2 LIMIT the expense in connection with the sale ~~thereof~~ OF STOCK, and ~~such~~
3 IMPOSE ANY other conditions as ~~he may deem~~ THE COMMISSIONER DEEMS
4 reasonable and necessary or advisable to ~~insure the disposition of~~ ENSURE
5 THAT the proceeds from the sale of ~~such~~ stock ARE DISPOSED in the
6 manner and for the purposes provided in ~~such~~ THE permit. The
7 commissioner ~~from time to time~~ may amend, alter, or revoke any permit
8 issued by ~~him~~ THE COMMISSIONER or temporarily suspend the rights of
9 ~~such~~ AN association under ~~such~~ ITS permit. The commissioner ~~has the~~
10 ~~power to~~ MAY establish ~~such~~ rules and regulations ~~as may be~~ THAT ARE
11 reasonable or necessary to carry out ~~the purposes and provisions of~~ this
12 section.

13 **SECTION 39.** In Colorado Revised Statutes, 11-42-115, **amend**
14 (1) as follows:

15 **11-42-115. Power to issue shares to minors or in trust.**

16 (1) ~~Every~~ AN association ~~has the power to~~ MAY issue stock or shares to
17 a minor of any age ~~and either sex~~ and receive payments ~~thereon~~ ON THE
18 STOCK OR SHARES from, by, or for the minor. ~~He shall be entitled to~~ A
19 MINOR MAY withdraw, transfer, or pledge any ~~such~~ shares owned by ~~him~~
20 THE MINOR and ~~to~~ receive from ~~such~~ THE association any dividends or
21 other ~~moneys at any time becoming~~ MONEY THAT BECOMES due ~~thereon~~
22 ON THE SHARES in the same manner and subject to the same conditions as
23 an adult, and ~~his~~ THE MINOR'S receipt or acquittance ~~therefor shall~~
24 ~~constitute~~ OF SUCH MONEY CONSTITUTES a valid release and discharge to
25 the association for the payment of ~~such moneys~~ THE MONEY. The dealing
26 of an association with a minor ~~shall have~~ HAS the same effect upon the
27 association's liability as if the minor were of full legal capacity ~~until his~~

1 UNLESS THE MINOR'S guardian or conservator files with the association a
2 certified copy of the order of a Colorado court having jurisdiction
3 appointing the guardian or conservator and directing otherwise.

4 **SECTION 40.** In Colorado Revised Statutes, **amend** 11-42-123
5 as follows:

6 **11-42-123. Matured shares.** If, at the time shares in a savings
7 and loan association have matured, the association has withdrawal notices
8 on file to such an extent that the funds of the association, applicable to
9 withdrawals, are not sufficient to pay ~~off~~ all shareholders desiring to
10 withdraw, as well as shares ~~which~~ THAT have matured and are unpaid,
11 and the holder of the matured shares desires to withdraw, ~~he~~ THE HOLDER
12 OF THE MATURED SHARES shall file a notice of intention to withdraw. ~~and~~
13 Thereafter, ~~be~~ THE HOLDER OF THE MATURED SHARES IS subject to all the
14 rights and liabilities of articles 40 to 46 of this ~~title~~ TITLE 11 governing
15 withdrawing shareholders; except that ~~he shall be~~ THE HOLDER OF THE
16 MATURED SHARES IS entitled to the full amount of any dividends declared
17 on like shares during the time ~~he~~ THE HOLDER OF THE MATURED SHARES
18 has a withdrawal notice on file on THE same.

19 **SECTION 41.** In Colorado Revised Statutes, 11-44-102, **amend**
20 (3) as follows:

21 **11-44-102. Commissioner - duties - employees.** (3) The deputy
22 commissioner, the secretary, and all other employees of the division ~~shall~~
23 ~~be~~ ARE under the direct supervision of the commissioner. ~~who shall have~~
24 ~~full power and control over such employees.~~ Neither the commissioner
25 nor any officer or employee of the division ~~shall be~~ IS personally liable
26 for any ~~acts done~~ ACT PERFORMED in good faith IF THE COMMISSIONER,
27 OFFICER, OR EMPLOYEE PERFORMED THE ACT while in the performance of

1 ~~his~~ THE COMMISSIONER'S, OFFICER'S, OR EMPLOYEE'S duties as prescribed
2 by law.

3 **SECTION 42.** In Colorado Revised Statutes, **amend** 11-44-103
4 as follows:

5 **11-44-103. Powers of commissioner.** The commissioner has
6 general supervision and control over all domestic and foreign savings and
7 loan associations doing business in this state and ~~has full power to~~ MAY
8 grant, refuse, or revoke a permit or license to any association to do
9 business in this state when ~~such~~ THE association is not conducting its
10 business in conformity with the laws of the state or is conducting its
11 business in ~~such~~ an unsafe manner ~~as to render~~ THAT RENDERS its further
12 operations hazardous to the public or any of ~~its~~ THE ASSOCIATION'S
13 shareholders. All articles of incorporation and amendments ~~thereto~~ TO
14 THE ARTICLES, all bylaws and amendments ~~thereto~~ TO THE BYLAWS, and
15 all certificates of stock and shares of associations subject to articles 40 to
16 46 of this ~~title~~ TITLE 11 shall be submitted to ~~said~~ THE commissioner for
17 ~~his~~ THE COMMISSIONER'S approval or disapproval, and ~~said~~ THE
18 commissioner ~~has the authority to~~ MAY approve, modify, or reject any
19 ~~such~~ articles of incorporation or amendments, ~~thereto~~, bylaws or
20 amendments, ~~thereto~~, and OR certificates of stock or shares. The
21 commissioner ~~has full power and authority to~~ MAY prescribe all necessary
22 and proper rules and regulations for the conduct and operation of savings
23 and loan associations in this state and shall prescribe the manner in which
24 the books and records of associations doing business in this state ~~shall be~~
25 ARE kept.

26 **SECTION 43.** In Colorado Revised Statutes, **amend** 11-44-103.5
27 as follows:

1 **11-44-103.5. Record retention by the commissioner.** The
2 commissioner shall retain records pursuant to part 1 of article 80 of title
3 24 ~~C.R.S.~~; and may, in ~~his or her~~ THE COMMISSIONER'S discretion, destroy
4 records pursuant to said part 1.

5 **SECTION 44.** In Colorado Revised Statutes, **amend** 11-44-104
6 as follows:

7 **11-44-104. Commissioner may delegate powers.** The
8 commissioner may delegate such of ~~his~~ THE COMMISSIONER'S powers and
9 authority to ~~his~~ THE COMMISSIONER'S deputies as ~~he may deem~~ THE
10 COMMISSIONER ~~DEEMS~~ necessary for proper administration of the division
11 and may designate appropriate titles for ~~his~~ THE COMMISSIONER'S deputies
12 and any of ~~his~~ THE COMMISSIONER'S employees. Any ~~such~~ delegation or
13 designation ~~made~~ may be rescinded by the commissioner at any time. ~~All~~
14 WRITTEN RECORDS OF such actions shall be ~~in writing and of record~~
15 RETAINED in the files of the division. The acts of deputies ~~performing~~
16 ~~such~~ WHO HAVE delegated powers and authority ~~shall be of~~ HAVE the
17 same legal effect as if THE ACTS WERE performed personally by the
18 commissioner.

19 **SECTION 45.** In Colorado Revised Statutes, **amend** 11-44-105
20 as follows:

21 **11-44-105. Commissioner may institute suits.** The
22 commissioner shall report to the attorney general, and ~~he~~ THE ATTORNEY
23 GENERAL shall institute and prosecute suits and actions to enjoin
24 violations of articles 40 to 46 of this ~~title~~ TITLE 11 or violations of orders
25 or decisions of the commissioner rendered pursuant to said articles and
26 to enforce any civil penalties provided by said articles. The commissioner
27 shall notify the proper district attorney of any violation of ~~the provisions~~

1 of articles 40 to 46 of this ~~title which~~ TITLE 11 THAT constitutes a felony
2 or misdemeanor, and ~~such~~ THE district attorney shall ~~forthwith~~ PROMPTLY
3 prosecute the person charged with ~~such~~ THE offense. Upon THE failure or
4 refusal of the district attorney to ~~so~~ prosecute, ~~it shall be the duty of the~~
5 attorney general ~~to conduct such prosecution~~ SHALL PROSECUTE THE
6 MATTER.

7 **SECTION 46.** In Colorado Revised Statutes, **amend** 11-44-106
8 as follows:

9 **11-44-106. Issuance of subpoenas.** (1) The commissioner ~~has~~
10 ~~the power to~~ MAY:

11 (a) Issue subpoenas and require attendance of any ~~and all officers,~~
12 ~~directors, agents, salesmen, collectors, and employees~~ OFFICER, DIRECTOR,
13 AGENT, SALESPERSON, COLLECTOR, OR EMPLOYEE of any association and
14 ~~such~~ ANY other witnesses ~~as he~~ THAT THE COMMISSIONER may deem
15 necessary in relation to ~~its~~ THE ASSOCIATION'S affairs, transactions, and
16 conditions; ~~and may~~

17 (b) Require ~~such~~ witnesses to ~~appear and~~ answer ~~such~~ questions
18 ~~as~~ THAT THE COMMISSIONER may ~~be~~ put to them; ~~by the commissioner,~~
19 ~~and may~~

20 (c) Require ~~such~~ witnesses to produce ~~such~~ books, papers, or
21 documents in their possession. ~~as may be required by the commissioner.~~

22 (2) Upon application of the commissioner, any person served with
23 a subpoena issued by ~~him~~ THE COMMISSIONER may be required, by order
24 of the district court of the county where the association has its principal
25 office, to:

26 (a) Appear and answer ~~such~~ questions ~~as~~ THAT THE
27 COMMISSIONER may ~~be~~ put to ~~him by the commissioner~~ THE PERSON; and

1 ~~be required to~~

2 (b) Produce ~~such~~ books, papers, or documents in ~~his~~ THE PERSON'S
3 possession ~~as may be required by~~ THAT the commissioner MAY REQUIRE.

4 **SECTION 47.** In Colorado Revised Statutes, 11-44-106.5,
5 **amend** (2)(b) as follows:

6 **11-44-106.5. Suspension or removal of directors, officers, or**
7 **employees - penalty.** (2) (b) If the commissioner determines that a
8 specific case involves extraordinary circumstances ~~which~~ THAT require
9 immediate action, ~~he~~ THE COMMISSIONER may suspend or remove a
10 person under subsection (1) of this section without notice or a hearing,
11 but ~~he~~ THE COMMISSIONER shall conduct a hearing under section 24-4-105
12 ~~C.R.S.~~, within thirty days after ~~such~~ THE suspension or removal.

13 **SECTION 48.** In Colorado Revised Statutes, 11-44-109, **amend**
14 (1), (1.5), (2), (3), and (4) as follows:

15 **11-44-109. Examination by commissioner - procedure -**
16 **penalty.** (1) ~~The commissioner, in person or by his deputy or one or~~
17 ~~more of his or her employees;~~ At such intervals as the commissioner shall
18 ~~determine~~ DETERMINES to be necessary or desirable in order to ascertain
19 that each association is conducting its business in a safe and authorized
20 manner, THE COMMISSIONER OR THE COMMISSIONER'S DEPUTY OR
21 EMPLOYEE shall visit the home office and ~~such~~ branch offices ~~as~~ THAT the
22 commissioner deems necessary and examine ~~into~~ the affairs of every
23 domestic association doing business in this state. The commissioner's
24 deputy or ~~any~~ employee, ~~of the commissioner, before being entitled to~~
25 ~~make~~ BEFORE MAKING such AN examination, shall produce ~~under the hand~~
26 A DOCUMENT THAT INCLUDES THE SIGNATURE and seal of the
27 commissioner ~~his or her~~ AND A STATEMENT CONCERNING THE

1 COMMISSIONER'S authority to make ~~such~~ THE examination. The
2 commissioner ~~and his~~ OR THE COMMISSIONER'S deputy ~~have the power to~~
3 MAY administer oaths and ~~to~~ examine under oath any director, officer,
4 employee, or agent of any association concerning the business and affairs
5 ~~thereof~~ OF THE ASSOCIATION. If the association has neither been audited
6 by a registered or certified public accountant, in ~~such~~ THE manner and by
7 auditors satisfactory to the commissioner, within the twelve-month period
8 immediately preceding the date of ~~such~~ THE examination or within the
9 period that has elapsed since ~~such~~ THE last ~~preceding~~ examination,
10 whichever is greater, nor adopted and maintained an internal audit
11 program acceptable to the federal deposit insurance corporation or its
12 successor and the division, the examination by the division ~~shall~~ MUST
13 include an audit. The cost, as computed by the division, of ~~any such~~ THE
14 audit shall be paid by the association audited; except that ~~there shall be no~~
15 ~~charge~~ by the division SHALL NOT CHARGE for making an audit when ~~such~~
16 THE audit has been made by reason of collaboration as provided in section
17 11-41-117.

18 (1.5) In lieu of making ~~his or her~~ THE COMMISSIONER'S own
19 examination, the commissioner may accept the examination report
20 prepared by ~~the federal office of thrift supervision or its successor or~~
21 ~~other~~ AN appropriate FEDERAL regulatory authority.

22 (2) When, in the judgment of the commissioner, the condition of
23 ~~any~~ AN association renders it necessary or expedient to make an extra
24 examination or ~~to~~ devote any ~~such~~ extraordinary attention to ~~its~~ THE
25 ASSOCIATION'S affairs, the commissioner ~~has authority to~~ MAY make any
26 extra examinations and ~~to~~ devote any necessary extra attention to the
27 conduct of ~~its~~ THE ASSOCIATION'S affairs and may cause a registered or

1 certified public accountant, appointed by the commissioner, to make an
2 audit or examination of ~~such~~ THE association's business and affairs. In any
3 such case, the association shall pay a reasonable fee based on actual cost
4 to be affixed by the commissioner for all ~~such~~ extra services rendered by
5 the division or by ~~such~~ THE accountant. A copy of the commissioner's
6 report on each examination must be furnished to the association
7 examined, and each director must note ~~thereon~~ ON THE REPORT that ~~he~~
8 THE DIRECTOR has read the ~~same~~ REPORT.

9 (3) The commissioner or ~~his~~ THE COMMISSIONER'S deputy shall
10 annually examine ~~into~~ the affairs of every foreign association doing
11 business in this state, and for every such examination made outside this
12 state, a reasonable expense and the actual traveling expenses incurred
13 shall be paid by the association ~~so~~ examined. If the commissioner deems
14 it necessary, ~~he~~ THE COMMISSIONER may cause a public accountant,
15 appointed by the commissioner, to make an audit or examination of ~~such~~
16 THE association's business and affairs, and, in any such case, ~~such~~ THE
17 association shall pay a reasonable price to be fixed by the commissioner
18 for ~~such~~ THE extra services rendered by ~~such~~ THE accountant. ~~Should~~ IF
19 ~~any~~ A foreign association ~~fail~~ FAILS to pay the costs incurred in ~~any~~ ~~such~~
20 THE examination, ~~such~~ THE costs shall be paid by the state treasurer upon
21 the order of the commissioner, and the amount ~~so~~ paid ~~shall be~~ BECOMES
22 a first lien upon all the assets and property of ~~such~~ THE association and
23 may be recovered by suit by the attorney general on behalf of the state ~~of~~
24 ~~Colorado~~ and restored to the fund from which THE COSTS WERE paid.

25 (4) For the purpose of the examinations provided for in this
26 section, the commissioner and ~~his~~ THE COMMISSIONER'S deputy or any
27 other person authorized by ~~him~~ THE COMMISSIONER to make the

1 examination:

2 (a) Has free access to all books and papers of the association
3 ~~which~~ THAT relate to its business and to the books and papers kept by any
4 officer, agent, or employee relating ~~thereto~~ TO THE ASSOCIATION or upon
5 which any record of its business is kept; ~~and~~

6 (b) May summon witnesses and administer oaths or affirmations
7 in the examination of the directors, officers, agents, or employees of any
8 ~~such~~ association or any other person in relation to ~~its~~ AN ASSOCIATION'S
9 affairs, transactions, and conditions; ~~He~~ AND

10 (c) May require and compel the production of records, books,
11 papers, contracts, or other documents by court action if necessary.

12 **SECTION 49.** In Colorado Revised Statutes, 11-44-110, **amend**
13 (1) and (2) as follows:

14 **11-44-110. Power to take possession of association.** (1) If the
15 commissioner ~~as the result of any examination or from any report made~~
16 ~~to him,~~ finds that ~~any~~ AN association doing business in this state is
17 violating ~~the provisions of~~ its articles of incorporation or bylaws or ~~of the~~
18 laws of this state provided for ~~its~~ THE ASSOCIATION'S government, or is
19 conducting its business in an unsafe or unauthorized manner, ~~by an~~ THE
20 COMMISSIONER MAY order ~~addressed to such~~ THE association ~~he may~~
21 ~~direct a discontinuance of such~~ TO DISCONTINUE THE violations or unsafe
22 or unauthorized practices. ~~and a conformity with all the requirements of~~
23 law.

24 (2) If ~~such~~ AN association refuses or neglects to comply with ~~such~~
25 AN order OF THE COMMISSIONER within the time specified ~~therein~~ IN THE
26 ORDER, or if it appears to the commissioner that ~~any~~ AN association is in
27 an unsafe condition or is conducting its business in an unsafe manner

1 ~~such as to render~~ THAT RENDERS its further proceedings hazardous to the
2 public or to any of ~~its~~ THE ASSOCIATION'S members, or if ~~he~~ THE
3 COMMISSIONER finds that ~~its~~ THE ASSOCIATION'S assets are impaired to
4 such an extent that it threatens loss to the withdrawable shares, or if ~~any~~
5 AN association refuses to submit its books, papers, and accounts to the
6 inspection of the commissioner or any of ~~his~~ THE COMMISSIONER'S
7 examiners, ~~his deputy~~ DEPUTIES, or ~~his~~ assistants, or if any officer refuses
8 to be examined ~~upon~~ UNDER oath concerning the affairs of ~~such~~ THE
9 OFFICER'S association, then the commissioner may revoke the certificate
10 of authority of ~~such~~ THE association, which ~~shall act~~ REVOCATION SERVES
11 as an injunction against the association issuing any new shares or stock,
12 making any new loans, transferring any shares or stock, or making any
13 change in its managerial or directorial personnel during the time ~~such~~ THE
14 revocation is in effect.

15 **SECTION 50.** In Colorado Revised Statutes, 11-44-113, **amend**
16 (1) and (3) as follows:

17 **11-44-113. Procedure under court order.** (1) The commissioner
18 may retain possession of ~~any~~ A savings and loan association for the
19 purpose of liquidating its affairs, but before doing so, ~~he~~ THE
20 COMMISSIONER shall furnish a bond, executed by ~~some~~ A surety company
21 authorized to do business in this state and running to the people of the
22 state of Colorado, in a penal sum equal to the value of the negotiable
23 assets of the association, as nearly as may be determined, for the faithful
24 discharge of ~~his~~ THE COMMISSIONER'S duties in connection with
25 liquidating the affairs of the association and accounting for all ~~moneys~~
26 MONEY coming into ~~his hands~~. ~~Such~~ THE COMMISSIONER'S POSSESSION.
27 THE bond ~~shall~~ MUST be approved by the governor and ~~be~~ filed in the

1 office of the secretary of state. The cost of ~~such~~ THE bond shall be paid
2 from the assets of the association. Suits may be maintained on ~~such~~ THE
3 bond by any person injured by a breach of the conditions ~~thereof~~ OF THE
4 BOND.

5 (3) If the commissioner is in possession of the business, property,
6 and assets of ~~any~~ AN association, regardless of whether ~~or not he~~ THE
7 COMMISSIONER is liquidating the affairs of ~~such~~ THE association, the
8 commissioner ~~in his discretion~~, may apply to the district court of the
9 county in which the principal office ~~in this state~~ of ~~such~~ THE association
10 is located for an order confirming any action taken by the commissioner
11 or authorizing the commissioner to do any act or to execute any
12 instrument not expressly authorized by articles 40 to 46 of this ~~title~~ TITLE
13 11, which order shall be made after a hearing, on such notice as the court
14 shall prescribe. ~~He~~ THE COMMISSIONER may pay and discharge any
15 secured claims against ~~such~~ THE association, and, within six months after
16 taking ~~such~~ possession ~~he~~ OF THE ASSOCIATION, THE COMMISSIONER may
17 disaffirm any executory contracts, including leases, to which ~~such~~ THE
18 association is a party and disaffirm any partially executed contracts,
19 including leases, to the extent that they remain executory.

20 **SECTION 51.** In Colorado Revised Statutes, **amend** 11-44-115
21 as follows:

22 **11-44-115. Officers to furnish schedule of property.** (1) Upon
23 taking possession of the property, business, and assets of ~~any~~ AN
24 association, the commissioner shall require the president and secretary of
25 ~~such~~ THE association to:

26 (a) Make a schedule of all ~~its~~ OF THE ASSOCIATION'S property and
27 assets and ~~of~~ all collateral held by ~~it~~ THE ASSOCIATION as security for

1 loans; ~~and to make~~

2 (b) STATE UNDER oath that ~~such~~ THE schedule sets forth all ~~such~~
3 property, assets, and collateral ~~which such~~ THAT THE association owns or
4 to which it is entitled; and ~~to~~

5 (c) Deliver ~~such~~ TO THE COMMISSIONER THE schedule and the
6 possession of all ~~such~~ property and collateral ~~as may not have~~ THAT HAS
7 NOT been ~~so~~ previously delivered to the commissioner. ~~who~~

8 (2) THE COMMISSIONER may examine ~~under oath such~~ THE
9 president and secretary, the other officers of ~~such~~ THE association, or the
10 directors, agents, or employees ~~thereof~~ UNDER OATH at any time to
11 determine whether ~~or not~~ all the property, assets, and collateral ~~which~~
12 ~~such~~ THAT THE association owns or to which it is entitled have been
13 transferred and delivered ~~into his possession~~ TO THE COMMISSIONER.

14 **SECTION 52.** In Colorado Revised Statutes, 11-44-116, **amend**
15 (1), (3), (5), (6), (7), (8), and (11) as follows:

16 **11-44-116. Liquidation powers of commissioner.** (1) In
17 liquidating the affairs of an association, the commissioner ~~has the power~~
18 ~~to~~ MAY:

19 (a) Collect all ~~moneys~~ MONEY due to and all claims of ~~such~~ THE
20 association and give full receipt ~~therefor, to~~ FOR THE MONEY AND CLAIMS;

21 (b) Release or reconvey all real or personal property pledged,
22 hypothecated, or transferred in trust as security for loans; ~~to~~

23 (c) Approve and pay all just and equitable claims; ~~to~~

24 (d) Commence and prosecute all actions and proceedings
25 necessary to enforce liquidations; ~~to~~

26 (e) Compound bad or doubtful debts and ~~to~~ compound and settle
27 with any debtor or creditor of ~~such~~ THE association or with the persons

1 having possession of its property or being in any way responsible at law
2 or in equity to ~~such~~ THE association, upon such terms and conditions and
3 in such manner as ~~he~~ THE COMMISSIONER deems just and beneficial to
4 ~~such~~ THE association;

5 (f) In case of mutual dealings between the association and any
6 person, ~~to allow just setoffs in favor of such persons~~ A PERSON in all cases
7 in which ~~the same ought to~~ JUST SETOFFS SHOULD be allowed according
8 to law and equity;

9 (g) In case of borrowers holding shares of the association pledged
10 to the association as security for ~~said~~ A loan, ~~to allow the amount paid in~~
11 ~~on said~~ THE shares, together with all dividends legally declared ~~thereon~~
12 ON THE SHARES, to be set off against the amount due on ~~said~~ THE loan;
13 and ~~to~~

14 (h) Sell, convey, and transfer real and personal property.

15 (3) For the purpose of executing and performing any of the
16 powers and duties conferred upon ~~him~~ THE COMMISSIONER, the
17 commissioner, in the name of ~~such~~ AN association or in ~~his~~ THE
18 COMMISSIONER'S own name, may:

19 (a) Prosecute and defend any ~~and all suits and other legal~~
20 ~~proceedings~~ SUIT OR OTHER LEGAL PROCEEDING; and

21 (b) ~~in the name of such association or in his own name, as~~
22 ~~commissioner, may~~ Execute, acknowledge, and deliver any deeds,
23 assignments, releases, and other instruments necessary and proper to
24 effectuate any sale of real or personal property or other transaction in
25 connection with the liquidation of ~~such~~ THE association. Any deed,
26 assignment, release, or other instrument executed pursuant to ~~the~~
27 ~~authority given shall be~~ THIS SUBSECTION (3)(b) IS valid and effectual for

1 all purposes as ~~though the same had been~~ IF IT WERE executed by the
2 officers of ~~such~~ THE association by authority of its board of directors.

3 (5) Upon determining to liquidate an association, the
4 commissioner shall ~~cause~~ REQUIRE an inventory of all the assets of ~~such~~
5 THE association to be made in duplicate, the original to be filed with the
6 court and the duplicate in the office of the commissioner. ~~He~~ THE
7 COMMISSIONER shall cause due notice to be given, by publication once a
8 week for four successive weeks in ~~some~~ A newspaper of general
9 circulation published at or near the principal place of business of ~~such~~
10 THE association in this state, to all persons having claims against ~~it~~ THE
11 ASSOCIATION as creditors, ~~or~~ investors, or otherwise, to present and file
12 ~~same~~ THE CLAIMS and make legal proof ~~thereof~~ OF THEM at a place and
13 within a time to be designated in ~~such~~ THE publication, which time ~~shall~~
14 MUST be not less than two months after ~~such~~ THE first publication. Within
15 ten days after ~~such~~ THE first publication, ~~he~~ THE COMMISSIONER shall
16 cause a copy of ~~such~~ THE notice to be mailed to all persons whose names
17 appear of record upon ~~its~~ THE ASSOCIATION'S books as creditors or
18 investors. ~~and~~, Upon the expiration of the time fixed for the presentation
19 of claims, the commissioner shall prepare or cause to be prepared in
20 duplicate a full and complete schedule of all claims presented, specifying
21 by classes those that have been approved and those that have been
22 disapproved, and shall file the original with the court and the duplicate in
23 the office of the commissioner. Not later than five days after ~~the time of~~
24 filing ~~such~~ THE schedule with the court, THE COMMISSIONER SHALL MAIL
25 written notice ~~shall be mailed~~ to all claimants whose claims have been
26 rejected.

27 (6) Action to enforce the payment of any rejected claim must be

1 brought and ~~service had~~ PROCESS SERVED within four months after the
2 date of filing of the schedule of claims with the proper court; otherwise,
3 all such actions ~~shall be forever~~ ARE barred. All claims of creditors,
4 investors, or other persons against the association or against any property
5 owned or held by it THE ASSOCIATION must be presented to the
6 commissioner in writing AND verified by the claimant or someone ~~in his~~
7 ACTING ON THE CLAIMANT'S behalf within the TIME period ~~limited~~ FIXED
8 in the notice ~~mentioned~~ DESCRIBED in subsection (5) of this section for
9 the presentation of claims. ~~and~~ Any claims not so presented ~~shall be~~
10 ~~forever~~ ARE barred; ~~but the claim of~~ EXCEPT THAT any investor ~~appearing~~
11 WHO MAKES A CLAIM THAT APPEARS upon the books of the association as
12 a valid claim AND IS presented after the expiration of the time fixed in
13 ~~said~~ THE notice ~~shall be entitled to~~ MAY share in any dividends declared
14 subsequent to the presentation of ~~such~~ THE claim.

15 (7) (a) The commissioner ~~under his hand and official seal~~ may:

16 (I) Appoint one or more special deputies to assist in the duties of
17 liquidation and distribution under ~~his~~ THE COMMISSIONER'S direction; ~~and~~
18 ~~may also~~

19 (II) Employ ~~such special~~ legal counsel, accountants, and assistants
20 as ~~may be needful and requisite~~ NECESSARY; and

21 (III) Fix the salaries and compensation to be allowed and paid to
22 ~~each, all to be in a reasonable and commensurate sum~~ SPECIAL DEPUTIES,
23 LEGAL COUNSEL, ACCOUNTANTS, AND ASSISTANTS.

24 (b) All ~~such~~ salaries, ~~and~~ compensation, and ~~such~~ other reasonable
25 and necessary expenses ~~as may be~~ incurred in the liquidation OF AN
26 ASSOCIATION shall be paid by the commissioner from the funds of ~~such~~
27 THE association. ~~in his hands.~~

1 (8) From the net realization of ~~such~~ AN ASSOCIATION'S assets in
2 excess of ~~such~~ salaries, compensation, and expenses, the commissioner
3 shall first pay all approved claims other than to investors, and thereafter
4 ~~he~~ THE COMMISSIONER shall distribute and pay dividends in liquidation to
5 the shareholders and investors in the association, other than holders of
6 permanent stock, until ~~their~~ THE SHAREHOLDERS' AND INVESTORS' claims
7 are fully paid or ~~such~~ THE assets or funds are exhausted. ~~Such~~
8 Distributions shall be made as funds are available, ~~therefor~~, to the extent
9 of ten percent or more of the approved claims of the class of claimants
10 then entitled to distribution, and shall continue until all the assets have
11 been realized upon and a final dividend in liquidation is declared and
12 paid.

13 (11) Whenever, in case of ~~any~~ AN association ~~which~~ THAT has
14 issued permanent stock, the commissioner has fully liquidated all claims
15 other than claims of ~~such~~ THE stockholders and has made due provision
16 for any and all known or unclaimed liabilities, excepting claims of
17 permanent stockholders, and has paid all expenses of liquidation, ~~he~~ THE
18 COMMISSIONER shall call a meeting of the stockholders of ~~said savings~~
19 ~~and loan~~ THE association by giving notice ~~thereof~~ OF THE MEETING for
20 thirty days in one or more newspapers published in the county in which
21 the principal office of the association is located. At ~~such~~ THE meeting, the
22 commissioner shall deliver to ~~such~~ THE stockholders all the property and
23 effects of ~~said~~ THE association remaining in ~~his~~ THE COMMISSIONER'S
24 possession, except its records, which THE COMMISSIONER shall ~~be retained~~
25 ~~by him as part of the records of his office, and, upon~~ RETAIN. AFTER such
26 transfer and delivery, ~~he shall be~~ THE COMMISSIONER IS discharged from
27 any ~~and all~~ further liability to ~~said~~ THE association or its creditors, and

1 ~~thereupon~~ the association ~~shall be~~ IS in the same position ~~as though it~~
2 THAT IT WOULD BE IN IF IT had never been authorized to transact a savings
3 and loan business.

4 **SECTION 53.** In Colorado Revised Statutes, **amend** 11-44-117
5 as follows:

6 **11-44-117. Setoffs.** Credits on loan shares of all persons indebted
7 to any savings and loan association in the possession of the
8 commissioner, whether ~~such~~ THE indebtedness is due or to become due,
9 shall be applied by ~~him~~ THE COMMISSIONER on account of ~~such~~ THE
10 indebtedness.

11 **SECTION 54.** In Colorado Revised Statutes, **amend** 11-44-118
12 as follows:

13 **11-44-118. Commissioner and deputy not to accept gifts.**
14 Neither the commissioner nor ~~his~~ THE COMMISSIONER'S deputy shall
15 receive or accept any bribe, gratuity, or reward from any person or
16 association for any purpose ~~whatever~~ or knowingly and willfully make
17 any false or fraudulent report of the condition of any association for any
18 purpose. ~~whatsoever~~. One or more of the directors of ~~any~~ AN association
19 may be present at ~~any~~ AN examination of the affairs ~~thereof~~ OF AN
20 ASSOCIATION, but the absence of any or all of the officers or directors
21 ~~shall~~ DOES not ~~operate to~~ prevent the commissioner or ~~his~~ THE
22 COMMISSIONER'S deputy from proceeding with ~~such~~ AN examination.

23 **SECTION 55.** In Colorado Revised Statutes, 11-44-120, **amend**
24 (1) as follows:

25 **11-44-120. Records of commissioner.** (1) The commissioner
26 shall maintain annually revised summaries disclosing:

27 (a) The names of the officers and directors of all savings and loan

1 associations doing business in the state of Colorado during the preceding
2 year;

3 (b) The financial condition of ~~such~~ THE savings and loan
4 associations, ~~together with~~ INCLUDING a statement of the assets, liabilities,
5 and reserves of the associations; and

6 (c) ~~Such~~ ANY other information concerning the ~~same~~ SAVINGS
7 AND LOAN ASSOCIATIONS as ~~he may see~~ THE COMMISSIONER DEEMS fit TO
8 INCLUDE.

9 **SECTION 56.** In Colorado Revised Statutes, **amend** 11-46-106
10 as follows:

11 **11-46-106. Effect of lessee's death or incompetence.** ~~Where~~ IF
12 a lessor, without written notice or actual knowledge of the death or of a
13 determination of legal incompetence of the lessee, deals with ~~said~~ THE
14 lessee or ~~his~~ THE LESSEE'S agent pursuant to a written power of attorney
15 signed by ~~such~~ THE lessee, the transaction binds the lessor and the estate
16 of the lessee.

17 **SECTION 57.** In Colorado Revised Statutes, 11-46-108, **amend**
18 (1) introductory portion and (1)(a) as follows:

19 **11-46-108. Adverse claims to contents of safe deposit box.**

20 (1) A lessor shall not deny access to a safe deposit box to ~~its~~ A lessee
21 unless the LESSEE'S claim of ~~said lessee~~ is adverse within the terms of this
22 section. A claim ~~shall be considered~~ IS adverse when:

23 (a) The lessor is directed to deny ~~such~~ access by a court order
24 issued in an action in which the lessee is served with process and named
25 as a party by a name ~~which~~ THAT identified ~~him~~ THE LESSEE with the
26 name in which the safe deposit box is leased; or

27 **SECTION 58.** In Colorado Revised Statutes, 11-49-102, **amend**

1 (1) introductory portion as follows:

2 **11-49-102. Escrow account for entrance fees.** (1) Each provider
3 shall establish an escrow account that provides that all of any entrance fee
4 received by the provider prior to the date the resident is permitted to
5 occupy ~~his or her~~ THE RESIDENT'S living unit in the facility be placed in
6 escrow with a bank, trust company, or other licensed corporate escrow
7 agent located in Colorado and approved by the commissioner, subject to
8 the condition that the ~~funds~~ MONEY may be released only as follows:

9 **SECTION 59.** In Colorado Revised Statutes, 11-49-103, **amend**
10 (1) as follows:

11 **11-49-103. Withdrawal or dismissal of person - refund.** (1) If
12 ~~the~~ AN agreement permits withdrawal or dismissal of ~~the~~ A resident from
13 ~~the~~ A life care institution prior to the expiration of the agreement, with or
14 without cause, an amount equal to the difference between the amount paid
15 in and the amount used for the care of the resident during the time ~~he or~~
16 ~~she~~ THE RESIDENT remained in the institution, based upon the per capita
17 cost to the institution as determined in a manner acceptable to the
18 commissioner, shall be refunded to the resident; but in cases where a
19 consideration greater than the minimum charge has been paid for
20 accommodations above standard, a sum equal to the difference between
21 the amount paid in and the ratio of the amount paid to the minimum
22 consideration for standard accommodations times the current per capita
23 cost to the institution applied to the period the resident remained in the
24 institution shall be refunded to the resident. If the per capita cost to the
25 institution during the period cannot be established otherwise, the cost
26 during the period ~~shall be~~ IS deemed to be the cost at the time of the
27 withdrawal or dismissal. AS USED IN THIS SECTION, for refund purposes,

1 "cost" ~~shall include~~ INCLUDES a reasonable profit to the provider.

2 **SECTION 60. Act subject to petition - effective date -**
3 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
4 the expiration of the ninety-day period after final adjournment of the
5 general assembly; except that, if a referendum petition is filed pursuant
6 to section 1 (3) of article V of the state constitution against this act or an
7 item, section, or part of this act within such period, then the act, item,
8 section, or part will not take effect unless approved by the people at the
9 general election to be held in November 2024 and, in such case, will take
10 effect on the date of the official declaration of the vote thereon by the
11 governor.

12 (2) This act applies to the operations of the division of financial
13 services, the commissioner of financial services, the financial services
14 board, and credit unions on or after the applicable effective date of this
15 act, including the imposition of fines by the commissioner of financial
16 services against a person who violates a cease-and-desist order or a
17 suspension or removal order.