

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

April 8, 2024  
Date

Committee on Finance.

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

HB24-1381 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, line 3, strike "(40)" and substitute  
2 "(34)(a)(IX)".

3 Page 2, strike lines 10 through 14 and substitute:  
4 "(34)(a) The following agencies, functions, or both, are scheduled  
5 for repeal on September 1, 2033:  
6 (IX) THE DIVISION OF FINANCIAL SERVICES CREATED IN ARTICLE  
7 44 OF TITLE 11."

8 Page 3, strike line 1.

9 Page 3, line 5, strike "2039." and substitute "2033."

10 Page 6, strike line 1 and substitute "THE DATE OF THE CREDIT UNION'S  
11 ANNUAL MEMBERSHIP MEETING."

12 Page 41, strike line 13 and substitute "(1), (2), and (4)(e) as follows:".

13 Page 42, after line 14 insert:

14 "(4)(e) If a conservator is appointed, and THE CONSERVATOR is  
15 other than the federal deposit insurance corporation ~~the office of thrift~~  
16 ~~supervision or its successors~~, or an employee of the division of financial  
17 services, the conservator and any assistants shall provide a bond, payable  
18 to the association and executed by a surety company authorized to do  
19 business in this state, which SURETY COMPANY meets with the approval  
20 of the financial services board, for the faithful discharge of ~~their~~ ITS  
21 duties in connection with ~~such~~ THE conservatorship and the accounting

1 for all ~~moneys~~ MONEY coming into ~~their hands~~ ITS POSSESSION. The cost  
2 of ~~such~~ THE bond shall be paid from the assets of the association. Suit  
3 may be maintained on ~~such~~ THE bond by any person injured by a breach  
4 of the conditions ~~thereof~~ OF THE BOND. This requirement ~~may be deemed~~  
5 IS met if the financial services board determines that the association's  
6 fidelity bond covers the conservator and any assistants."

7 Page 50, after line 26 insert:

8 "SECTION 58. In Colorado Revised Statutes, 11-49-101, **amend**  
9 (4), (6), (7), (8), and (10) as follows:

10 **11-49-101. Definitions.** As used in this article 49, unless the  
11 context otherwise requires:

12 (4) "Entrance fee" means the total of any initial or deferred  
13 transfer to or for the benefit of a provider, ~~of a sum of money or other~~  
14 ~~property~~ WHICH TRANSFER:

15 (a) IS made or promised to be made as full or partial consideration  
16 for the acceptance or maintenance of a specified individual as a resident  
17 in a facility; and

18 (b) IS IN THE FORM OF:

19 (I) PROPERTY; OR

20 (II) A SUM OF MONEY IN AN AMOUNT THAT IS GREATER THAN FOUR  
21 TIMES THE AMOUNT OF A REGULAR PERIODIC CHARGE UNDER A LIFE CARE  
22 CONTRACT AT THE FACILITY.

23 (6) "Life care" means care provided, pursuant to a life care  
24 contract, for the life of an aged person, including but not limited to  
25 services such as OCCUPANCY OF A LIVING UNIT, health care, NUTRITION  
26 ASSISTANCE, medical services, ~~board, lodging, or other necessities~~ AND  
27 NURSING SERVICES WITHIN A LIVING UNIT.

28 (7) "Life care contract" means a written contract to provide life  
29 care to a person for the duration of the person's life conditioned upon the  
30 transfer of an entrance fee to the provider of the services in addition to or  
31 in lieu of the payment of regular periodic charges for the care and  
32 services involved. ~~Any~~ A life care contract UNDER WHICH THE ENTRANCE  
33 FEE IS payable to or for the provider in four or more installments ~~shall be~~  
34 IS subject to the provisions of the "Uniform Consumer Credit Code",  
35 articles 1 to 9 of title 5.

36 (8) "Living unit" means a room, apartment, or other area THAT IS  
37 within a facility AND set aside for the ~~exclusive~~ use ~~or control~~ of one or  
38 more identified residents AND WITHIN WHICH LIFE CARE IS PROVIDED BY  
39 THE PROVIDER. A RESIDENT'S LIVING UNIT MAY CHANGE BASED ON THE  
40 APPROPRIATE CARE NEEDS OF THE RESIDENT.

41 (10) (a) "Provider" means a person who undertakes to provide  
42 services in a facility pursuant to a life care contract.

1 (b) "PROVIDER" DOES NOT INCLUDE A UNIT OWNERS' ASSOCIATION,  
2 AS DEFINED IN SECTION 38-33.3-103 (3).".

3 Renumber succeeding sections accordingly.

4 Page 52, after line 1 insert:

5 "SECTION 60. In Colorado Revised Statutes, 11-41-112, amend  
6 (1)(l) and (1)(m) as follows:

7 **11-41-112. Powers of savings and loan associations.**

8 (1) Savings and loan associations have the following powers:

9 (l) To act as a trustee, custodian, or manager, or in any other  
10 fiduciary capacity to the same extent authorized and permitted ~~from time~~  
11 ~~to time~~ by the laws and regulations applicable to federal savings and loan  
12 associations in Colorado, and, upon specific approval by the  
13 commissioner, ~~by permission granted such federal associations by the~~  
14 ~~federal office of thrift supervision or its successor, including specifically,~~  
15 ~~but without limitation, the power to act as the trustee, custodian, or~~  
16 ~~manager of any trust created or organized in the United States and~~  
17 ~~forming a part of a stock bonus, pension, profit-sharing, or retirement~~  
18 ~~plan that is qualified for specific tax treatment under the provisions of the~~  
19 ~~federal "Self-Employed Individuals Tax Retirement Act of 1962", 26~~  
20 ~~U.S.C. SEC. 401 ET SEQ., as from time to time amended or supplemented,~~  
21 ~~or under the provisions of any other act of congress enacted after June 2,~~  
22 ~~1971, as a substitute or replacement for the federal "Self-Employed~~  
23 ~~Individuals Tax Retirement Act of 1962" or under the provisions of the~~  
24 ~~federal "Employee Retirement Income Security Act of 1974", 29 U.S.C.~~  
25 ~~sec. 1001 et seq., as from time to time amended or supplemented. The~~  
26 ~~association managing funds of any such plan, trust, or fund shall have~~  
27 ~~HAS, to the extent applicable to federal savings and loan associations in~~  
28 ~~Colorado, all of the rights, powers, privileges, and immunities and shall~~  
29 ~~be IS subject to the same obligations and duties as an individual fiduciary~~  
30 ~~under like circumstances with power to make investments. All funds held~~  
31 ~~in such fiduciary capacity by any association may be commingled for~~  
32 ~~appropriate purposes of investment, but individual records shall be kept~~  
33 ~~by the fiduciary for each participant and shall MUST show in proper detail~~  
34 ~~all transactions engaged in under the authority of this paragraph (l)~~  
35 ~~SUBSECTION (1)(l). An association acting as a trustee may control~~  
36 ~~accounts in or securities of such AN association pursuant to the exercise~~  
37 ~~of its authority as a trustee. The exercise by an association of any~~  
38 ~~authority vested in it shall DOES not affect any other authority of such THE~~  
39 ~~association.~~

40 (m) To ESTABLISH, subject to the regulations of the ~~United States~~

1 FEDERAL treasury department, and the federal office of thrift supervision  
2 or its successor, establish a tax and loan account and serve as a depository  
3 for federal taxes or as a treasury tax and loan depository, and to satisfy  
4 any ASSOCIATED requirement; in connection therewith;

5 **SECTION 61.** In Colorado Revised Statutes, 11-41-113, **amend**  
6 (1) as follows:

7 **11-41-113. Federal home loan bank membership.** (1) Any  
8 savings and loan association organized and incorporated under the laws  
9 of this state as a savings and loan association that is eligible to become a  
10 member of the federal home loan bank, in accordance with the provisions  
11 of the act of congress known and cited as the "Federal Home Loan Bank  
12 Act", 12 U.S.C. sec. 1421 et seq., approved July 22, 1932 AS AMENDED,  
13 is authorized to subscribe for stock of the federal home loan bank for the  
14 district in which it is located and to invest its funds in such stock for the  
15 purpose and to the extent required and permitted by the provisions of the  
16 "Federal Home Loan Bank Act", 12 U.S.C. sec. 1421 et seq., or any  
17 amendment thereto AS AMENDED, and is further authorized to furnish to  
18 the federal office of thrift supervision or its successor and to the federal  
19 home loan bank reports of examinations of such associations made by the  
20 commissioner, and is further authorized to consent to an examination to  
21 be made by the federal office of thrift supervision or its successor or the  
22 federal home loan bank, and is further authorized to do all other things as  
23 may be required by the "Federal Home Loan Bank Act", 12 U.S.C. sec.  
24 1421 et seq., or any amendment thereto AS AMENDED, necessary to obtain  
25 and to continue membership in the federal home loan bank and to obtain  
26 advances therefrom FROM THE FEDERAL HOME LOAN BANK or that may be  
27 incidental to acquiring or holding membership and to obtaining advances  
28 therefrom FROM THE FEDERAL HOME LOAN BANK, and is authorized to  
29 assume all the duties, obligations, responsibilities, and liabilities and  
30 become entitled to all the benefits provided in the "Federal Home Loan  
31 Bank Act", 12 U.S.C. sec. 1421 et seq., AS AMENDED.

32 **SECTION 62.** In Colorado Revised Statutes, 11-42-111, **amend**  
33 (14) as follows:

34 **11-42-111. Reserves and distribution of earnings.**  
35 (14) Notwithstanding any other provision of the Colorado "Savings and  
36 Loan Association Law", article 40 ARTICLES 40 TO 46 of this title TITLE  
37 11, any association may distribute earnings on its shares on such other  
38 dates, on such other bases, and in accordance with such other terms and  
39 conditions as may from time to time be authorized by regulations made  
40 by the federal office of thrift supervision or its successor or the federal  
41 deposit insurance corporation or its successor for federal savings and loan  
42 associations when such THE regulations are approved by the  
43 commissioner.

1           **SECTION 63.** In Colorado Revised Statutes, 11-44-107, **amend**  
2 (1)(c) and (1)(f) as follows:

3           **11-44-107. Confidentiality.** (1) Neither the commissioner, the  
4 commissioner's deputy, nor any other person appointed by the  
5 commissioner shall divulge any information acquired in the discharge of  
6 the person's duties; except that:

7           (c) The commissioner may furnish information as to the condition  
8 of a savings and loan association to ~~the federal office of thrift supervision~~  
9 ~~or its successors~~, a federal home loan bank, the savings and loan  
10 departments of other states, an insurer authorized to insure obligations or  
11 accounts pursuant to articles 40 to 47 of this ~~title~~ TITLE 11, the executive  
12 director of the department of regulatory agencies, ~~or~~ AND the division of  
13 banking;

14           (f) Notwithstanding any provision contained in this ~~article~~  
15 ARTICLE 44 to the contrary, the commissioner, the commissioner's  
16 deputies, or other persons appointed by the commissioner may disclose  
17 any information in the records of the division ~~of financial services~~ or  
18 acquired in the discharge of the person's duties ~~that is available from the~~  
19 ~~federal office of thrift supervision or its successors~~ or IF the disclosure of  
20 ~~which~~ THE INFORMATION has been specifically authorized by the board of  
21 directors of the association to which ~~such~~ THE information relates.  
22 Nothing in this section shall be construed to authorize the board of  
23 directors of an association to waive any privileges that belong solely to  
24 the financial services board OR TO the division ~~of financial services~~, or its  
25 employees.

26           **SECTION 64.** In Colorado Revised Statutes, 11-45-101, **amend**  
27 (1) introductory portion and (1)(c) as follows:

28           **11-45-101. Conversion into federal association.** (1) Any  
29 savings and loan association or other home-financing organization, by  
30 whatever name or style it may be designated, ~~which~~ THAT is eligible to  
31 become a federal savings and loan association may convert itself into a  
32 federal savings and loan association by the following procedure:

33           (c) Within a reasonable time and without any unnecessary delay  
34 after the adjournment of ~~such~~ THE meeting of shareholders, the  
35 association shall take ~~such~~ ANY action ~~as~~ THAT may be necessary to make  
36 it a federal savings and loan association. ~~and, within ten days after receipt~~  
37 ~~of the federal charter, there shall be filed in the office or division of this~~  
38 ~~state having supervision of such association a copy of said charter issued~~  
39 ~~to such association by the office of thrift supervision or its successor or~~  
40 ~~a certificate showing the organization of such association as a federal~~  
41 ~~savings and loan association certified by, or on behalf of, the office of~~  
42 ~~thrift supervision or its successor. Upon the filing of such instrument,~~  
43 ~~such association shall cease to be a state association and shall thereafter~~

1 ~~be a federal savings and loan association.~~

2       **SECTION 65.** In Colorado Revised Statutes, 11-45-103, **amend**  
3 (1) as follows:

4       **11-45-103. Conversion into state association.** (1) Any federal  
5 savings and loan association may convert itself into an association under  
6 articles 40 to 46 of this ~~title~~ TITLE 11 by the majority vote of all members  
7 present in person or by proxy at an annual meeting or at any special  
8 meeting called to consider ~~such~~ THE action. Copies of the minutes of the  
9 proceedings of ~~such~~ THE meeting of members, verified by the affidavit of  
10 the secretary or an assistant secretary, shall be filed in the office of the  
11 commissioner ~~and mailed to the office of thrift supervision, or its~~  
12 ~~successor~~, within ten days after ~~such~~ THE meeting. ~~Such~~ THE verified  
13 copies of the proceedings of the meeting when ~~so~~ filed ~~shall be~~ ARE prima  
14 facie evidence of the holding and action of ~~such~~ THE meeting.".

15 Renumber succeeding section accordingly.

16 Page 52, line 14, strike "and credit unions" and substitute "credit unions,  
17 savings and loan associations, and life care institutions".

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