

CHAPTER 413

FINANCIAL INSTITUTIONS

HOUSE BILL 21-1293

BY REPRESENTATIVE(S) Snyder and Larson, Bennett, Bird, Bockenfeld, Gray, Hooton, Pico, Ricks;
also SENATOR(S) Woodward and Bridges, Cooke, Holbert, Lundeen, Priola, Rankin, Scott, Smallwood.

AN ACT

CONCERNING A MODIFICATION TO THE THRESHOLD BELOW WHICH A BANK NEED NOT USE A
CREDENTIALLED APPRAISER TO APPRAISE PROPERTY REFLECTED IN ITS BALANCE SHEET.

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

SECTION 1. In Colorado Revised Statutes, 11-105-401, **amend** (1)(d) as follows:

11-105-401. Acquisition of property to satisfy indebtedness. (1) A state bank may take property of any kind to satisfy, in whole or in part, or to protect indebtedness previously created in good faith by it. Property acquired by a state bank to apply on an indebtedness to a state bank shall be held subject to the following limitations:

(d) The property shall be entered on the books at not more than cost or fair market value, whichever is less, except as otherwise provided by the banking board. Each bank maintaining property acquired to satisfy indebtedness will obtain an initial written appraisal and subsequent appraisals as to fair market value by a qualified independent appraiser or such other person as the banking board may approve. ~~Such~~ THE subsequent appraisals shall be obtained pursuant to rules of the state banking board; except that, for purposes of this subsection (1)(d), an appraisal, as defined in section 12-10-602 (1), by an appraiser certified OR licensed ~~OR registered~~ pursuant to section 12-10-611 shall not be required on properties initially valued pursuant to this subsection (1)(d) at ~~two hundred fifty thousand dollars or less~~ A VALUE CONSISTENT WITH FEDERAL REQUIREMENTS AND ESTABLISHED PURSUANT TO RULES OF THE STATE BANKING BOARD. If ~~such~~ THE appraiser or other person approved by the banking board certifies in writing ~~such~~ THE appraiser's or other person's opinion that the fair market value has not declined, this opinion may be substituted for a subsequent appraisal.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: July 2, 2021