



# COLORADO

Department of  
Regulatory Agencies

Division of Banking

June 17, 2022

## BEFORE THE COLORADO STATE BANKING BOARD

IN THE MATTER OF )  
 )  
RULE PROMULGATION AND AMENDMENT ) **NOTICE OF PROPOSED RULEMAKING**

### I. Notice of hearing

PLEASE BE ADVISED THAT, as required by Section 24-4-103, C.R.S., of the State Administrative Procedures Act, the Colorado State Banking Board (Banking Board) hereby gives notice of proposed rulemaking. A **virtual** hearing is scheduled for August 18, 2022, commencing at 10:00 a.m. **via Zoom, passcode 832326:**

<https://us06web.zoom.us/j/84181226499?pwd=bGNmdFcwOHo3d3hnekJhbIRDUIk1UT09>

### II. Purpose of the proposed rulemaking

The purpose of the hearing is to hear comments concerning the proposed promulgation of Banking Board Rule 3 CCR 701-7 MO0.5 to centralize terms and definitions, and proposed amendments of the following Banking Board Rules: 3 CCR 701-7 MO1, MO2, MO3, MO4, MO5, MO6, MO7, and MO8 to update statutory citations, make minor grammar and verbiage changes, remove sections that are no longer applicable, clarify and update reporting procedures and requirements, and update record retention requirements. A Statement of Basis, Purpose, and Specific Statutory Authority for the rules follows this notice and is incorporated by reference.

MO0.5	Definitions
MO1	Surety Bond
MO2	Permissible Investments
MO3	Records
MO4	Qualification of License Applicant
MO5	Change of Control
MO6	Compliance with Federal Regulations
MO7	Customer Notice Section
MO8	Employee Money Laundering Affirmation



### III. Statutory authority for proposed rulemaking

The proposed amendment of the rule is being held under the authority given the Banking Board by the Colorado Banking Code in accordance with Section 11-102-104(1), C.R.S., which states “the banking board is the policy-making and rule-making authority for the division of banking and has the power to: (a) make, modify, reverse, and vacate rules for the proper enforcement and administration of this code...”

### IV. Opportunity to testify and submit written comments

Any interested person(s) has the right to submit written comments or data, view, or argument. Written information should be filed with the Division **no later than August 8, 2022**. To submit written comments, please contact Allison Rothermel, Administrator IV, at [allison.rothermel@state.co.us](mailto:allison.rothermel@state.co.us). In addition, any interested person(s) has the right to make a virtual presentation at the Hearing, unless the Banking Board deems any oral presentation unnecessary.

SUBMITTED ON BEHALF OF THE  
COLORADO STATE BANKING BOARD

A handwritten signature in black ink that reads "Ken Boldt". The signature is written in a cursive style with a large initial "K" and a long horizontal stroke extending to the right.

Ken Boldt  
State Bank Commissioner



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**STATE BANKING BOARD  
3 CCR 701-7 MO2  
PERTAINING TO TITLE 11, ARTICLE 110, SECTION 108  
COLORADO REVISED STATUTES**

**STATEMENT OF BASIS, PURPOSE AND SPECIFIC STATUTORY AUTHORITY**

Statutory Basis

The statutory basis for Banking Board Rule 3 CCR 701-7 MO2 is found in Section 11-110-108 of the Colorado Revised Statutes.

Purpose of this Rulemaking

The purpose of this rule is to set requirements for permissible investments and outstanding payment instruments, ownership of permissible investments, and liquidity and quality of permissible investments.

The purpose of this rulemaking is to amend the rule to add the statutory citation, and remove definitions and reporting requirements as they will be addressed in other rules within Rule 3 CCR 701-7.

The Colorado Division of Banking finds that the proposed amendments to this rule are necessary as follows:

- Add the rule's statutory citation.
- Remove three definitions as they will now be defined in proposed Rule 3 CCR 701-7 MO0.5.
- Remove one definition (insolvent) that is not referenced elsewhere in Rule 3 CCR 701-7.
- Remove the quarterly report section as it will now be addressed in Rule 3 CCR 701-7 MO3.

Rulemaking Authority

11-101-102. Declaration of policy.  
11-102-104. Powers and duties of the banking board.  
11-110-108. Bond - condition - amount - rules.  
11-110-116. Rules.

