



**COLORADO**  
Department of  
Regulatory Agencies  
Division of Banking

**May 16, 2024**

**BEFORE THE  
COLORADO STATE BANKING BOARD**

<b>IN THE MATTER OF</b>	)	
	)	<b>NOTICE OF PROPOSED RULEMAKING</b>
<b>RULE AMENDMENT and REPEAL</b>	)	

**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 and in-person** hearing is scheduled for Thursday, July 18, 2024, commencing at 10:00 a.m. at 1560 Broadway, Room 100D, Denver, Colorado 80202. The virtual hearing is available via the Zoom link listed below; the passcode is 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 amendments of the following Banking Board Rules: 3 CCR 701-10 AR1, AR3, AR4, AR10, AR11, AR12, AR14, and AR16. The amendments are to add and update statutory citations, clarify and update applicable financial institutions, remove definitions that are defined in statute, clarify and update procedures, time frames, and assessment and fee remittance instructions, update the Division's address, and correct typographical errors.

The purpose of the hearing is to hear comments concerning the proposed repeal of the following Banking Board Rules: 3 CCR 701-10 AR2, AR5, AR6, AR8, and AR13. The Rules duplicate information in statute, are no longer necessary, or can be moved to an existing Rule for improved continuity.

A Statement of Basis, Purpose, and Specific Statutory Authority for each rule follows this notice and is incorporated by reference.



AR1 Appeal of a Material Supervisory Determination  
AR2 Definitions  
AR3 Application Procedure  
AR4 Protests to Applications for Charter  
AR5 Competitive Applications  
AR6 Notice of Hearing  
AR8 Service Area Definition - Economic Feasibility Studies  
AR10 Transcripts  
AR11 Order of Procedure  
AR12 Oral Argument-Briefs-Reopening  
AR13 Unclaimed Exhibits  
AR14 Declaratory Orders  
AR16 Assessments and Fees

### **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 Monday, July 8, 2024**. To submit written comments, please contact Charles Siler, Banking Board Administrator, at [charles.siler@state.co.us](mailto:charles.siler@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



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Ken Boldt  
State Bank Commissioner



**COLORADO**  
**Department of**  
**Regulatory Agencies**  
Division of Banking

**May 16, 2024**

**STATE BANKING BOARD**  
**3 CCR 701-10 AR1**  
**PERTAINING TO TITLE 11, ARTICLE 102, SECTION 203.5 and**  
**TITLE 11, ARTICLE 109, SECTION 801**  
**COLORADO REVISED STATUTES**

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

Statutory Basis

The statutory basis for Banking Board Rule 3 CCR 701-10 AR1 is found in Sections 11-102-203.5 and 11-109-801, C.R.S. of the Colorado Revised Statutes.

Purpose of this Rulemaking

The purpose of this rule is to outline procedures for filing an appeal of a material supervisory determination, the Commissioner's review of an appeal, and subsequent review by the Colorado State Banking Board.

The purpose of this rulemaking is to amend Rule 3 CCR 701-10 AR1.

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

- Update the Rule's statutory citation.
- Clarify which institutions are eligible institutions to file an appeal.
- Remove definitions that are defined in statute.
- Clarify the review process by the Commissioner and subsequently, the Colorado State Banking Board.
- Update the Division of Banking's address.
- Correct typographical errors and clarify that "days" are calendar days.

Rulemaking Authority

- 11-101-102. Declaration of policy.
- 11-102-104. Powers and duties of the banking board.
- 11-102-203.5. Independent administrative review of material supervisory determinations - rules.
- 11-109-801. Appeals procedure.

