



COLORADO
Department of
Regulatory Agencies
Division of Banking

August 15, 2024

**BEFORE THE
COLORADO STATE BANKING BOARD**

IN THE MATTER OF)	
)	NOTICE OF PROPOSED RULEMAKING
RULE PROMULGATION, AMENDMENT, and REPEAL)	

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 October 17, 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 promulgation of the following Banking Board Rules: 3 CCR 701-6 TC1, and TC28. The promulgations are to establish definitions, requirements pertaining to the surrendering of a trust company charter, and requirements pertaining to an audit of fiduciary activities.

The purpose of the hearing is to hear comments concerning the proposed amendments of the following Banking Board Rules: 3 CCR 701-6 TC7, TC8, TC9, TC10, TC11, TC13, TC13.5, TC16, TC17, TC18, TC19, TC20, TC21, TC22. The amendments are to clarify and update definitions, procedures, and requirements, incorporate by reference applicable code of federal code, and make grammatical and technical changes. The incorporated material is available at <https://banking.colorado.gov/banking-home/rules-statutes>.

The purpose of the hearing is to hear comments concerning the proposed repeal of the following Banking Board Rules: 3 CCR 701-6 TC6 and TC14. The repeals are to eliminate duplication of statute and relocate capital information to other rules.



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

TC1	Definitions
TC6	Collateralization of Deposits
TC7	Generally Accepted Accounting Principles
TC8	Dividends
TC9	Investment Limitations
TC10	Reports of New Executive Officers, Directors, and Persons in Control and Related Late Filing Penalty
TC11	Scope of Directors' Examinations
TC13	Minimum Capital Ratios for Depository Trust Companies
TC13.5	Minimum Capital for Non-Depository Trust Companies
TC14	Risk-Based Capital Definitions and Adequacy
TC16	Insurance
TC17	Deposits of Securities
TC18	Investments in Loans
TC19	Investment in a Subsidiary
TC20	Reports of Condition and Income (Call Report) Filing Requirements
TC21	Fiduciary Self-Dealing
TC22	Establishment of a Colorado Office Location by a Trust Company Chartered in Another State
TC28	Charter Surrender

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 October 7, 2024**. To submit written comments, please contact Charles Siler, Banking Board Administrator, at 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



Ken Boldt, State Bank Commissioner



COLORADO
Department of
Regulatory Agencies
Division of Banking

August 15, 2024

STATE BANKING BOARD
3 CCR 701-6
PERTAINING TO TITLE 11, ARTICLE 109, SECTION 701
COLORADO REVISED STATUTES

STATEMENT OF BASIS, PURPOSE AND SPECIFIC STATUTORY AUTHORITY

Statutory Basis

The statutory basis for proposed Banking Board Rule 3 CCR 701-6 TC28 is found in Section 11-109-701 of the Colorado Revised Statutes.

Purpose of this Rulemaking

The purpose of this rulemaking is to promulgate Rule 3 CCR 701-6 TC28 to establish requirements for canceling a trust charter, establish the timeframe in which an inactive trust company must surrender its charter, and establish guidelines for a trust company, who at the time of cancelation was in good standing, to reapply for a trust charter.

The Colorado Division of Banking (Division) finds that the proposed promulgation of this rule is necessary as follows:

- A trust company, upon furnishing to the Banking Board satisfactory evidence of its release and discharge from all trust obligations, will have its charter canceled by the Division and will not be permitted to use the word “trust” in its name or connection with its business.
- A trust company that has not operated in Colorado or conducted any trust business and has been released from any trust or other trust obligations for 24 months or more, must surrender its charter for cancellation and remove the word “trust” from its name.
- A trust company in good standing when it surrenders its charter, may reapply for a trust charter as outlined in Section 11-109-301, C.R.S., and it must submit an updated business plan and supporting documentation as required in an initial chartering application. The company may also submit a pre-filing of an application for review and feedback from the Commissioner.

Rulemaking Authority

- 11-101-102. Declaration of policy.
- 11-102-104. Powers and duties of the banking board.
- 11-109-103. Applicability of powers of banking board and bank commissioner to trust companies.
- 11-109-701. Discontinuance of trust business - voluntary liquidation and dissolution.

