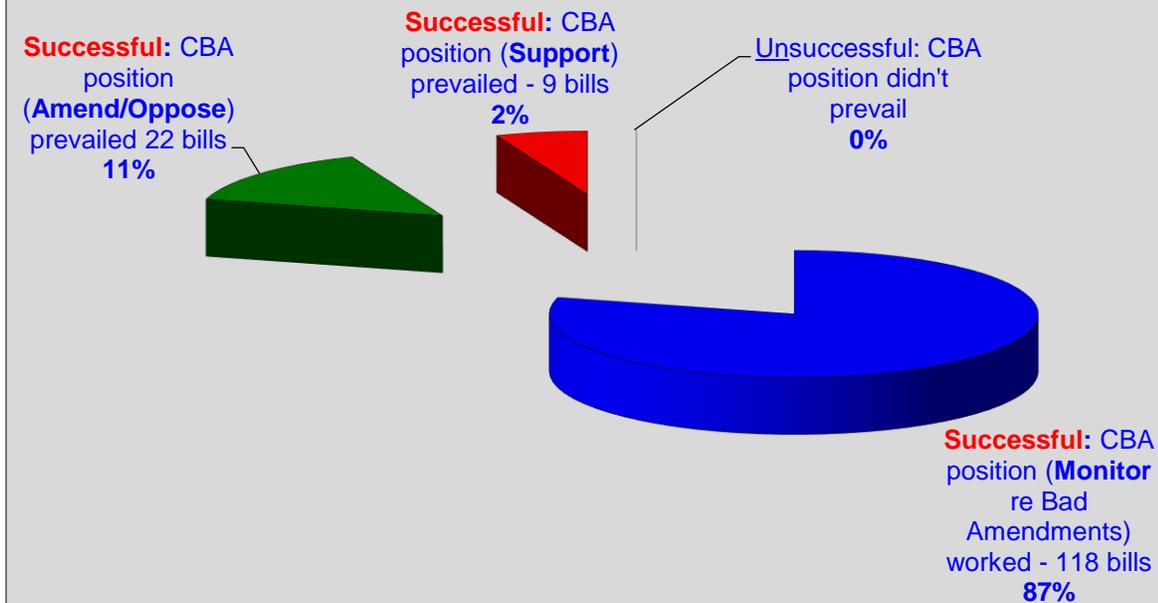


CBA 2015 State Lobbying Results



State Government Relations

- 149 bills tracked and/or worked on
- Defeated an attempted ban on some interchange fees
- Secured banks' ability to send electronic statements to holders of trust accounts, as Colorado law was previously silent on the issue
- Protected banks from challenging reporting requirements for at-risk adult customers
- Armed the state's attorney general to prosecute extortion claims for patent infringement, shielding banks and small businesses
- Blocked an attempt to invade residents' privacy and provide unfettered access to state-held records for all branches of government

Federal Government Relations

- Chaired national task force and worked with federal lawmakers to push regulatory relief, on numerous issues including:
 - HB-1210 which would make portfolio loans automatically compliant with QM and ATR,
 - a proposal in the agencies to exempt well capitalized banks from tedious capital calculations, and
 - a proposal that would tailor bank regulation (past and future) by bank business model and risk profile
- Worked to educate federal and state leaders on challenges of unfair competition from tax subsidized credit union and the Farm Credit System, and banking the marijuana industry, as well as supporting legislation to permit banking where marijuana is state legal

- Provided strong support for Friends of Traditional Banking, a super PAC, which helped to elect Colorado Senator Cory Gardner, to federal office
- Met with members of Colorado's congressional delegation dozens of times

Public Relations and Information Services

- Now in the third year of The Center for Bank Advocacy: A Training Practicum, with a class of 8 participants from banks of varying size. Speakers have included legislators, lobbyists, bank communicators and community leaders
- Continued promotion of SmallBizLending.org, launched in 2012. Grew partnerships and social media visibility
- Developed two new handbooks to educate and assist members in industry and policy advocacy
- Increased readership of CBA's weekly newsletter, as well as followers of CBA's Twitter feeds
- CBA remains a sought-after resource for members of the media, across the globe. The most frequent topic of conversation continued to be marijuana and banking

Education

- Hosted a successful management conference in January 2015 focusing on topics including cybersecurity, ALM systems, regulatory relief and managing third party risks
- Gathered together dozens of bankers and more than 70 legislators for CBA's annual Legislative Luncheon
- Provided opportunities for bankers to meet with a number of candidates for office both in Colorado and Washington D.C. including gubernatorial candidate Bob Beauprez, U.S. Senate candidate Cory Gardner, and candidates for state attorney general Cynthia Coffman and Don Quick

Membership and organization

- 90 percent of bank employees, branches and assets in Colorado are represented by CBA
- Added 18 new members, both banks and associates
- More than 40 volunteer decision-makers, including 22 board members and a 19- member Government Affairs Committee
- Created a new Bank Attorney Advisory Committee, designed to give bankers and attorneys the opportunity to discuss together, challenging issues impacting the financial industry
- 6 staff members

Colorado Banker Association Action List - Priority Items

BILL [HB15-1010](#)

Short Title: Trustee Notice System Presume Notify Beneficiary

Sponsors: KRAFT-THARP / JAHN

Current law requires a trustee to keep beneficiaries of a trust informed about the status of the trust. The bill creates a presumption that a beneficiary has received information or a statement of account when the trustee has procedures in place requiring the mailing or delivery of information or a statement of account to a beneficiary. The presumption applies to electronic notifications if the beneficiary has agreed to receive such electronic delivery or access and to a beneficiary's receipt of a final account or statement.

Position: **Actively Support**

Status: 03/18/2015 Governor Signed

Bank Impact: **CBA's bill to permit electronic statement for trust accounts**

BILL [HB15-1018](#)

Short Title: Protecting Seniors From Elder Abuse

Sponsors: DANIELSON

Current law lists a number of persons who are required to report to law enforcement the abuse or exploitation of a person 70 years of age or older. The bill adds additional persons to the list.

Position: **Amend**

Status: 04/20/2015 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Bank Impact: **CBA amended the bill to exempt insurance agents and financial planners (bank subsidiaries) from the list of mandatory reporters as they often have no in-person contact with customers**

BILL [HB15-1044](#)

Short Title: Periodic Legislative Review Executive Branch Rules

Sponsors: KLINGENSCHMITT

The bill creates a schedule for the legislative review, including a policy review and a legal review, over a 4-year period of all of the existing rules of the principal departments in the state executive branch, the office of the governor, the public employees' retirement association, and the independent ethics commission. The bill provides for an automatic expiration of each state agency's (agency) rules on a scheduled date following such review, unless extended by the general assembly acting by bill. The schedule of review is coordinated with the annual rule review cycle in the "State Administrative Procedure Act", and the committees of reference will not review rules that are pending the regular rule review process conducted annually by the committee on legal services (COLS). The bill includes a nonstatutory legislative declaration outlining the purpose of the bill. During the interim prior to the scheduled expiration of an agency's rules, the joint legislative committee of reference assigned with oversight responsibility for that particular agency will hold a public hearing to conduct a policy review of the rules of the agency. Each agency shall prepare a brief written summary of each portion of the code subject to review 2 weeks prior to the hearing, specifying for each

portion of the code in which existing state statute the general assembly specifically authorized the agency to create or promulgate the rules, any expiration or sunset dates for the rules or statutes, and the approximate cost in staff to enforce these rules. At the hearing, the agency shall explain the content of the rules to the joint committee of reference and has the right to testify about its position on the rules based on the committee's criteria for the policy review of the agency's rules. When conducting the policy review, the committee of reference shall use the following criteria and examine:

- * The necessity and efficacy of the rules, including whether the costs associated with the continued enforcement of the rules outweigh the benefits derived from such enforcement;
- * Whether the rules are outdated and obsolete; and
- * Whether the statutes governing the agency still require the agency to maintain the rules. Based on such review, the joint committee of reference shall decide, affirmatively, which rules should expire or be extended. The joint committee of reference shall prepare a written report of its policy review of the agency's rules. When reviewing each set of rules, the joint committee of reference shall recommend whether the rules should expire on the scheduled expiration date, or be subject to expiration and reviewed in 4 years or 8 years or at a different time as specified by bill or existing statute. The joint committee of reference shall sponsor a departmental rule review bill for that agency's rules that provides for the expiration or extension of the agency's rules based on the committee's policy review and recommendations and specifying the expiration dates for future review of those rules. The COLS is the committee of reference for each departmental rule review bill introduced as a result of this legislative review. During the interim prior to the expiration of an agency's rules, the office of legislative legal services and the COLS will also conduct a legal review of the agency's rules to determine whether the rules are within the agency's rule-making authority or conflict with state law or the state constitution. The COLS will conduct hearings on the staff's findings on the rules and make recommendations on the expiration or extension of the agency's rules based on the legal review. The staff will prepare a draft amendment to the departmental rule review bill that reflects the COLS' recommendations on the agency's rules. When the COLS sits as the committee of reference on the agency's departmental rule review bill during the session, the COLS will amend the departmental rule review bill to incorporate its findings on the legal review of the agency's rules. When the COLS sits as the committee of reference on the departmental rule review bill, the COLS shall also review the report on the policy review from the applicable committee of reference and the recommended dates of expiration. The COLS may decide, based on a majority vote, not to follow the recommendations from the joint committee of reference about any of the rules. The bill specifies the effect of the general assembly's action in passing a bill providing for the expiration or postponed expiration of the rules of an agency. The bill states that the legislative review process does not apply to rules of agency organization or nonbinding rules and that it does not apply to agencies in the department of regulatory agencies that are subject to review under the regular sunset process. Notwithstanding the termination schedule for an agency's rules as provided in this bill, if the general assembly fails to pass a departmental rule review bill during the legislative session of the year in which the agency's rules are scheduled to expire or if the governor vetoes the departmental rule review bill, the rules of the agency are automatically extended for one additional year. In that event, the joint committee of reference shall conduct additional hearings, make new recommendations, and introduce another departmental rule review bill during the next succeeding legislative session. If the second departmental rule review bill for the agency fails to pass during the succeeding legislative session or fails to become law, the rules of that agency expire automatically on May 15 of the year of the succeeding legislative session. After the passage of a bill extending or providing for the expiration of rules of an agency pursuant to this review process, the office of legislative legal services will inform the secretary of state of any rules that expire as the result of the passage of a bill. The secretary of state is required to remove any expired rules from the code of Colorado regulations (CCR) and to include notations in the CCR regarding any rules removed from the CCR as a result of this review process.

Position: **Oppose**

Status: 03/02/2015 House Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Bank Impact: **Required all state rules to be voided unless reinstated in statute – costing banks and the Division of Banking**

BILL [HB15-1057](#)

Short Title: The Statewide Initiative Process

Sponsors: COURT / SONNENBERG

Under current law, the director of research of the legislative council of the general assembly (director) is required to prepare a fiscal impact statement for each initiative in the ballot information booklet (blue book). This fiscal impact statement includes an abstract. The bill requires the director to prepare an initial fiscal impact statement for each initiative submitted to the title board and to further summarize the abstract into a 2-sentence fiscal impact summary. When preparing the initial fiscal impact statement, the director is required to consider the proponents' fiscal impact estimate, which the proponents are strongly encouraged to submit along with the initiative for review and comment. The abstract from the initial fiscal impact statement must be printed at the beginning of an initiative petition section that is circulated for signatures and the fiscal impact summary must be printed on each succeeding section page. The director is also required to post the initial fiscal impact statement on legislative council staff's web site. When preparing the fiscal impact statement for the blue book, the director is permitted to update the initial fiscal impact statement. The bill also requires the designated representatives of the initiative proponents to appear at all review and comment meetings. If either designated representative fails to appear at a review and comment meeting, the initiative is considered withdrawn, but the proponents are permitted to resubmit the initiative for another review and comment meeting.

Position: **Support**

Status: 05/06/2015 Senate Third Reading Passed - No Amendments

Bank Impact: **Bill ensures language on ballot issues is clear**

BILL [HB15-1063](#)

Short Title: Prohibited Communications Concerning Patents

Sponsors: PABON / BALMER

The bill prohibits a person from making a written or electronic communication with another concerning a patent if:

- * The communication falsely states that litigation has been commenced against the recipient or an affiliated party;
- * The communication threatens litigation and there is a consistent pattern of such threats having been made but no litigation is filed; or
- * The allegations in the communication lack a reasonable basis because of specified deficiencies. The bill contains specified exclusions from the prohibition. The bill authorizes only the attorney general to file an action to enforce the prohibition and authorizes specified damages.

Position: **Strongly Support**

Status: 05/06/2015 House Considered Senate Amendments - Result was to Concur - Repass

Bank Impact: **Bill to protect against patent trolls - protecting small business, including banks from extortion letters**

BILL [HB15-1064](#)

Short Title: Access Safe Deposit Box Of Decedent

Sponsors: NORDBERG / HOLBERT

The bill clarifies who has access to the safe deposit box of a decedent. A custodian of a safe deposit box is not deemed to have acquired knowledge, either actual or constructive, pertaining to the value of any of the contents of the box delivered to a person as a consequence of the custodian's examination and delivery of such contents.

Position: **Support**

Status: 03/18/2015 Governor Signed

Bank Impact: **Clarifies who may enter a box after death of lessee**

BILL [HB15-1069](#)**Short Title:** Homestead Exemption Recorded Instrument Reqmnts**Sponsors:** RYDEN / HOLBERT

Colorado law requires that a document claiming a homestead exemption only include a legal description of the real property and not the name of the owner of the property. The indexing system for real property ownership in the land records of Colorado is based on the names of the grantor and grantee of real property. The bill adds a requirement that the name of the owner of real property be included in a recorded document claiming a homestead exemption.

Position: **Monitor/Support****Status:** 03/18/2015 Governor Signed**Bank Impact:** **Monitor for impact it has on real estate records****BILL [HB15-1070](#)****Short Title:** Crime Profits Distribution Changes**Sponsors:** Buckner

Current law provides a mechanism for any profits that an offender may receive as a result of the crime to be available to victims as restitution. The bill makes changes to how the money is distributed.

Position: **Monitor/Support****Status:** 03/20/2015 Governor Signed**Bank Impact:** **Potential for banks to benefit when they are a victim of fraud****BILL [HB15-1110](#)****Short Title:** Review Of Principal Departments Of State Gov**Sponsors:** SZABO

The bill requires the office of policy and research in the department of regulatory agencies (office) to conduct an analysis and evaluation of the performance of each principal department of the executive branch of state government (principal department), including the Colorado commission on higher education and the department of regulatory agencies, and to recommend the termination, continuation, or reestablishment of each principal department. The bill directs the office to consider specified criteria in the review process. The office is required to conduct an analysis of 2 principal departments in the 2015-16 state fiscal year and 2 additional principal departments in each fiscal year thereafter until the office has reviewed each principal department. After the office has completed the analysis and evaluation of each principal department, the office will determine the schedule for subsequent reviews of each principal department. The office is required to promulgate rules to determine the schedule of the initial and subsequent reviews of each principal department. The office is required to submit a report that includes specific recommendations for draft legislation to the office of legislative legal services (OLLS) for the first 2 principal departments on or before October 15, 2016. The office is required to submit a report for 2 additional principal departments each October 15 thereafter. Upon receipt of the report from the office, OLLS will prepare draft legislation based on the specific recommendations for legislation contained in the report and submit the legislation to an appropriate legislative committee for review. Prior to the termination, continuation, or reestablishment of a principal department, a legislative committee of reference is required to hold public hearings to receive testimony from the public, the executive director of the department of regulatory agencies, and the principal department involved. In such hearing, each principal department assumes the burden of demonstrating a public need for continued existence of the principal department and its functions and that its functions are the least restrictive functions consistent with the public interest. The legislative committee is required to consider certain criteria during the hearing and to determine whether each principal department and the function of the department should be terminated, continued, or reestablished. The life of each principal department scheduled for

review may be continued or reestablished by the general assembly for periods not to exceed 15 years. The life of any newly created principal department also must not exceed 15 years.

Position: **Actively Monitor**

Status: 03/23/2015 House Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Bank Impact: **Impact on the Division of Banking**

BILL [HB15-1113](#)

Short Title: Foreclosure Sale Continuation HOA Assessments

Sponsors: ROUPE

The bill specifies that, if a holder of an evidence of debt against a property subject to a foreclosure sale causes the foreclosure sale to be continued, the holder is liable for any common expense assessments made against the property under the "Colorado Common Interest Ownership Act" for the period between the originally designated date of sale and the actual date of sale.

Position: **Oppose**

Status: 02/26/2015 House Second Reading Laid Over to 05/30/2015 - No Amendments

Bank Impact: **Bill would increase foreclosure expense**

BILL [HB15-1142](#)

Short Title: Public Trustee Conduct Electronic Foreclosure Sale

Sponsors: MCCANN / GUZMAN

The bill authorizes the public trustee of a county to conduct foreclosure sales through the internet or another electronic means, and allows for the collection of a specific fee for sales that are conducted electronically. The trustee shall publish information related to such sales electronically as well as through traditional means such as posting a physical document.

Position: **Support**

Status: 04/21/2015 Governor Signed

Bank Impact: **Bill permits electronic payment at the time of a foreclosure sale and permits other activities to be conducted electronically.**

BILL [HB15-1154](#)

Short Title: No Credit Card Fee On Tax Portion Of Sale

Sponsors: BECKER J. / HILL

The bill prohibits the collection of an interchange fee, defined as a fee established by a payment card network for the purpose of compensating the issuer of a credit or debit card for its involvement in an electronic payment transaction, on the portion of the total price that represents taxes imposed by the state or a local government. A 2-year grace period allows for the continuation of existing contracts and software that do not separately account for taxes, but the bill applies to all transactions on and after July 1, 2017.

Position: **Strongly Oppose**

Status: 03/04/2015 House Committee on Finance Postpone Indefinitely

Bank Impact: **Prohibits charging interchange on the sales tax portion of a transaction**

BILL [HB15-1158](#)

Short Title: Sales & Use Tax Refund For Data Centers

Sponsors: DELGROSSO / HOLBERT

Beginning January 1, 2016, the bill allows a sales and use tax refund to the owner, operator, or tenant of a facility that is a qualified data center or a qualified refurbished data center for the state sales or use tax paid on information technology equipment (IT equipment) that is used and maintained in the qualified data center or qualified refurbished data center for at least one year. The refund also applies to IT equipment that is purchased to replace or upgrade IT equipment and IT equipment that is relocated to the state. The bill specifies the criteria for a facility to be a qualified data center or a qualified refurbished data center, including the following:

- * The facility and the related premises is primarily used to house and operate IT equipment and has certain fire suppression, climate control, and security systems;
- * The facility is located in the state;
- * The facility is comprised of one or more buildings that consist in the aggregate of at least 25,000 square feet;
- * The facility is located on a single parcel or on contiguous or adjacent parcels of land;
- * For a qualified data center, the total cost of constructing the facility and the investment in IT equipment for the facility is at least \$40 million within a 5-year period that begins not earlier than January 1, 2011; and
- * For a qualified refurbished data center, all or a portion of the facility has been substantially refurbished, and the total cost of refurbishing the facility and the investment in IT equipment for the refurbished facility is at least \$20 million within a 2-year period that begins not earlier than January 1, 2014. The owner, operator, or tenant of a facility that wants to claim the refund is required to submit an affidavit to the Colorado office of economic development (office), along with supporting documentation required by the office, stating that the facility satisfies the criteria to be a qualified data center or a qualified refurbished data center or that the tenant satisfies the criteria to be a qualified tenant. The office is required to determine whether a facility is a qualified data center or a qualified refurbished data center and whether a tenant is a qualified tenant and to notify the department of revenue. Upon such determination, the office is required to issue a certification to the owner, operator, or tenant of the facility stating that the owner, operator, or tenant may claim a refund for the state sales and use tax paid on IT equipment that is used and maintained in the facility. If the office determines that a facility is a qualified data center or a qualified refurbished data center, the facility retains its qualified status for 20 years from the date of the first investment in the facility for the purpose of becoming a qualified data center or a qualified refurbished data center. In addition, if a qualified data center or a qualified refurbished data center makes a later investment that satisfies the criteria to be a qualified refurbished data center, the facility's 20-year qualified status restarts as of the date of the new qualifying investment. To claim the refund allowed by the bill, the owner or operator of a qualified data center or a qualified refurbished data center or a qualified tenant must submit to the department of revenue a refund application, a copy of its certification from the office, and proof of payment of state sales and use tax in a form and manner to be determined by the department. In the first year that a facility is certified as a qualified data center or a qualified refurbished data center, the owner, operator, or tenant of the facility must include in its application all of the IT equipment purchases that it made and all IT equipment that it relocated to the state during the 5-year or 2-year period, as applicable, during which the facility was making investments to become a qualified data center or a qualified refurbished data center and for which the refund is claimed. A refund is not allowed for any state sales or use tax paid for IT equipment prior to January 1, 2016. The office is required to submit an annual report to the general assembly regarding the economic benefits of the state sales and use tax exemption on IT equipment used and maintained in qualified data centers or qualified refurbished data centers. To assist the office in preparing the report, each owner, operator, and tenant of a qualified data center or qualified refurbished data center is required to submit an annual report to the office with information requested by the office. The department of revenue is required to promulgate rules for the implementation of the sales and use tax refund.

Position: Monitor/Support

Status: 05/06/2015 Senate Third Reading Reconsidered - No Amendments

Bank Impact: Positive impact on banks data center

BILL [HB15-1174](#)

Short Title: Information Protections Domestic Violence Victims

Sponsors: CARVER / WOODS

The bill extends the protections related to confidentiality of personal information on the internet that are currently in place for law enforcement officials and their immediate family to participants in the address confidentiality program for

victims of domestic violence, sexual assault, or stalking (participants). The bill clarifies the term "actual address" to include any unique identifying information related to a participant's residential, work, or school address. Private business entities are encouraged to accept a participant's substitute address. Disclosure of unique identifying information of a participant in criminal and civil proceedings is limited to those circumstances where the potential harm to the participant is substantially outweighed by the public interest in the disclosure and when no other alternative would satisfy the necessity for disclosure.

Position: **Monitor**

Status: 03/20/2015 Governor Signed

Bank Impact: **Impact on real estate transactions -**

BILL [HB15-1189](#)

Short Title: Uniform Act Fiduciary Access To Digital Access

Sponsors: KEYSER / STEADMAN

Colorado Commission on Uniform State Laws. The bill enacts the "Uniform Fiduciary Access to Digital Assets Act", as amended, as Colorado law. The bill sets forth the conditions under which certain fiduciaries may access:

- * The content of an electronic communication of a principal or decedent;
- * A catalog of electronic communications sent or received by a decedent or principal; and
- * Any other digital asset in which a principal has a right or interest or in which a decedent had a right or interest at death. As to tangible personal property capable of receiving, storing, processing, or sending a digital asset, a fiduciary with authority over the property of a decedent, protected person, principal, or settlor may access the property and any digital asset stored in it and is an authorized user for purposes of computer fraud and unauthorized computer access laws. "Fiduciary" means a personal representative, a conservator, an agent, or a trustee. A custodian and its officers, employees, and agents are immune from liability for an act or omission done in good-faith compliance with the provisions of the bill.

Position: **Oppose**

Status: 03/12/2015 House Committee on Judiciary Postpone Indefinitely

Bank Impact: **Bill was not well vetted - many privacy issues**

BILL [HB15-1235](#)

Short Title: Colorado Retirement Security Task Force

Sponsors: BUCKNER / STEADMAN

The bill creates the Colorado retirement security task force (task force) in the legislative branch to study, assess, and report on the factors that affect Coloradans' ability to save for a financially secure retirement and on the feasibility of creating a retirement savings plan for private sector employees. The bill directs the task force to consider specified factors and develop certain recommendations in the course of its duties. The membership of the task force is specified. The task force must meet beginning in the 2015 legislative interim and through December 2016, as necessary, as determined by the members of the task force. The task force is required to solicit and accept input from private citizens, state and local governmental entities, and public or private organizations to assist in the work of the task force. The legislative council staff is required to provide staff support to the task force. The task force is required to submit 2 reports to the general assembly regarding the factors that affect Coloradans' ability to save for a financially secure retirement and on the feasibility of creating a retirement savings plan for private sector employees.

Position: **Amend**

Status: 04/29/2015 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Bank Impact: **CBA amended the ensure someone with financial expertise serves – the bill was later killed in the Senate**

BILL [HB15-1246](#)

Short Title: Crowdfund Intrastate Securities On-line

Sponsors: LEE

Current securities law restricts businesses' ability to raise capital through crowdfunding, which is the raising of money on-line through small contributions from a large number of investors. The bill enacts the "Colorado Crowdfunding Act" to facilitate crowdfunding by authorizing on-line intermediaries to match a Colorado investor with a Colorado business that wishes to sell securities (an "issuer") pursuant to a Tharp, McCann, Mitsch Bush, Nordberg, Pettersen, Rankin, Rosenthal, Singer, Tyler, Willett, Winter, Young simplified regulatory regime, including the following:

* During any 12-month period:

* The aggregate amount sold to any single investor cannot exceed \$5,000 unless the investor is an "accredited investor" as defined by the federal securities and exchange commission; and

* The sum of all consideration paid for an issuer's securities cannot exceed \$1 million unless the issuer submits audited financial statements to the securities commissioner, in which case the cap is \$2 million;

* Issuers must:

* Inform investors, in plain, nontechnical language, that the securities have not been registered pursuant to federal or state securities law and that the securities are subject to limitations on resale, and the investor must acknowledge the risks associated with the purchase; and

* Provide a free quarterly report to investors that includes an analysis of the business operations and financial condition of the issuer and compensation to officers and directors, which report can simply be posted on the on-line intermediary's web site;

* On-line intermediaries cannot offer investment advice or handle investor funds or securities, and must:

* Maintain records of securities transactions, which are subject to inspection by the division of securities; and

* Be compensated only by a fixed amount for each offering, a variable amount based on the length of time that the securities are offered by the on-line intermediary, or a combination of the fixed and variable amounts. Crowdfunding cannot begin until the securities commissioner adopts rules to implement the Act.

Position: **Monitor**

Status: 04/13/2015 Governor Signed

Bank Impact: **No direct impact on banking, but will monitor closely for amendments**

BILL [HB15-1253](#)

Short Title: Colorado Uniform Voidable Transactions Act

Sponsors: LEE

Colorado Commission on Uniform State Laws. In 2014 the Uniform Law Commission approved a set of amendments to the "Uniform Fraudulent Transfer Act" (act). The amendments changed the title of the act to the "Uniform Voidable Transactions Act". The amendment project was instituted to address a small number of narrowly defined issues and was not a comprehensive revision. The principal features of the amendments are:

* Choice of law. The amendments add a new provision that sets forth a choice of law rule applicable to claims for relief of the nature governed by the act.

* Evidentiary matters. New provisions add uniform rules allocating the burden of proof and defining the standard of proof with respect to claims for relief and defenses under the act.

* Deletion of the special definition of "insolvency" for partnerships. The act as originally written set forth a special definition of "insolvency" applicable to partnerships. The amendments delete the original language, with the result that the general definition of insolvency now applies to partnerships. One reason for this change is that the original provision gave a partnership full credit for the net worth of each of its general partners. That makes sense only if each general partner is liable for all debts of the partnership, but such is not necessarily the case under modern partnership statutes. A more fundamental reason is that the general definition of insolvency does not credit a nonpartnership debtor with any part of the net worth of its guarantors. To the extent that a general partner is liable for the debts of the partnership, that liability is analogous to that of a guarantor. There is no good reason to define insolvency differently for a partnership debtor than for a nonpartnership debtor whose debts are guaranteed by contract.

* Defenses. The amendments refine in relatively minor respects several provisions relating to defenses available to a transferee or obligee, as follows:

* As originally written, the act created a complete defense to an action for a fraudulent transfer (which renders voidable a transfer made or obligation incurred with actual intent to hinder, delay, or defraud any creditor of the debtor) if the transferee or obligee takes in good faith and for a reasonably equivalent value. The amendments add to the act the further requirement that the reasonably equivalent value must be given to the debtor.

* The act created, in a provision derived from the federal "Bankruptcy Code", a defense for a subsequent transferee (that is, a transferee other than the first transferee) that takes in good faith and for value, and for any subsequent good-faith transferee from a person. The amendments clarify the meaning of the defense by rewording it to follow more closely the wording of the federal "Bankruptcy Code", which is substantially unchanged as of 2014. Among other things, the amendments make clear that the defense applies to recovery of or from the transferred property or its proceeds, by levy or otherwise, as well as to an action for a money judgment.

* The act as originally written created a defense to an action for a fraudulent transfer or to avoid a transfer if the transfer results from enforcement of a security interest in compliance with the secured transactions provisions of the "Uniform Commercial Code". The amendments exclude from that defense acceptance of collateral in full or partial satisfaction of the obligation it secures (a remedy sometimes referred to as "strict foreclosure").

* Series organizations. A new provision of the act provides that each "protected series" of a "series organization" is to be treated as a person for purposes of the act, even if it is not treated as a person for other purposes. This change responds to the emergence of the series organization as a significant form of business organization.

* Medium neutrality. In order to accommodate modern technology, the references in the act to a "writing" have been replaced with "record" and related changes made.

* Style. The amendments make a number of stylistic changes that are not intended to change the meaning of the act. For example, the amended act consistently uses the word "voidable" to denote a transfer or obligation for which the act provides a remedy. As originally written, the act sometimes inconsistently used the word "fraudulent". No change in meaning is intended. Likewise, the retitling of the act is not intended to change its meaning.

Position: **Oppose**

Status: 03/24/2015 House Committee on Business Affairs and Labor Postpone Indefinitely

Bank Impact: **Would have expanded bank liability**

BILL [HB15-1255](#)

Short Title: Prohibited Use Of Elec Benefits Transfer Cards

Sponsors: DORE

The bill requires the department of human services (department) and the department of revenue to submit reports to specified committees of the general assembly on improper use of electronic benefits transfer cards (EBT cards) at certain prohibited locations. The bill requires the department to adopt rules enforcing the prohibition against the use of EBT cards at prohibited establishments including increasing penalties for repeated violations. The bill also requires the department of revenue to promulgate rules for establishments regulated by the department of revenue:

* Requiring the operators of establishments in which EBT cards are prohibited and in which an automated teller machine (ATM) is located to post a sign notifying users that they are prohibited from accessing benefits with an EBT card at the ATM. The bill specifies a statement that must appear on the sign.

* Requiring operators of such establishments to take measures to prevent clients from using EBT cards at ATMs in their establishments; and

* Establishing methods to enforce measures by operators to prohibit clients from using an ATM at prohibited locations, including increasing penalties.

Position: **Monitor**

Status: 05/01/2015 Governor Signed

Bank Impact: **Monitor to ensure no amendments impacting bank owned atms**

BILL [HB15-1258](#)

Short Title: FAML I Insurance Program Wage Replacement

Sponsors: WINTER / ULIBARRI

The bill creates the family and medical leave insurance (FAMLI) program in the newly created division of family and medical leave insurance (division) in the department of labor and employment (department) to provide partial wage-replacement benefits to an eligible individual who takes leave from work to care for a new child or a family member with a serious health condition or who is unable to work due to the individual's own serious health condition. Prior to implementing the program, the department is to conduct an actuarial analysis to determine the appropriate level of premiums and solvency surcharges, if necessary, to ensure the soundness of the program. Each employee in the state will pay a premium determined by the director of the division by rule, which premium is based on a percentage of the employee's yearly wages. The premiums are deposited into the family and medical leave insurance fund from which family and medical leave benefits are paid to eligible individuals. The director may also impose a solvency surcharge by rule if determined necessary to ensure the soundness of the fund. The division is established as an enterprise, and premiums paid into the fund are not considered state revenues for purposes of the taxpayer's bill of rights (TABOR).

Position: **Oppose**

Status: 04/30/2015 House Third Reading Lost - No Amendments

Bank Impact: **Additional burden on employers and employees**

BILL [HB15-1272](#)

Short Title: Timely Filed Claims Not Barred By Laches

Sponsors: ESGAR / HOLBERT

The general assembly has enacted statutes of limitations within which the filing of civil actions or claims are considered timely filed. Courts have applied the doctrine of laches to bar a civil action or claim as untimely even though it was timely filed within the applicable statute of limitations. The bill specifies that a court may not apply the doctrine of laches to bar a claim that is timely filed within the applicable statute of limitation.

Position: **Monitor**

Status: 03/24/2015 House Committee on Judiciary Postpone Indefinitely

Bank Impact: **Monitor for impact on litigation**

BILL [HB15-1300](#)

Short Title: Local Government Minimum Wage

Sponsors: MORENO / MERRIFIELD

The bill permits a unit of local government to enact laws with respect to the minimum wage within its jurisdiction.

Position: **Actively Monitor**

Status: 04/15/2015 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Bank Impact: **Monitor for employment impact**

BILL [HB15-1311](#)

Short Title: Public Trustee Send Information On Foreclosure

Sponsors: MCCANN / ULIBARRI

Under current law, the public trustee is required to send specified notices to all persons identified as having an interest in property subject to a foreclosure and to accompany all notices with copies of selected statutes governing the conduct of the foreclosure sale. The bill replaces the requirement to send copies of the statutes with a requirement to send an information sheet outlining the key provisions of the statutes, in a form approved by the attorney general, together with:

- * Instructions on how to obtain copies of the entire text of the statutes;
- * The electronic address for the general assembly's web site; and
- * A disclaimer that the information sheet is not legal advice and that, in the case of any inconsistency between the information sheet and the statutes, the statutes control.

Position: Monitor

Status: 04/02/2015 House Committee on Local Government Postpone Indefinitely

Bank Impact: We were given an early draft of this bill - it does not impact the bank side of a foreclosure - only the notices sent by a public trustee

BILL [HB15-1331](#)

Short Title: Colorado Overtime Fairness For Employees Act

Sponsors: TYLER / MERRIFIELD

The bill limits the discretion of the director of the division of labor (director) in creating an exemption to Colorado's regulatory overtime requirements for employees that are administrative, executive, supervisor, or professional. The bill sets a minimum salary requirement for the director to apply the exemption equaling three times the Colorado minimum wage. For example, at the current minimum wage of \$8.23 per hour, an employee that is an administrative, executive, supervisor, or professional making less than a weekly salary of \$987.60 ($\$8.23 \times 40 \text{ hours} \times 3 = \987.60) could not be exempted from overtime by the director's rules. Because the Colorado state minimum wage automatically adjusts for inflation under the Colorado constitution, by linking the minimum salary for the exemption to apply to minimum wage, that salary will also adjust with inflation.

Position: Oppose

Status: 04/27/2015 House Second Reading Laid Over to 06/01/2015 - No Amendments

Bank Impact: Bill was costly to employers with little benefit to employees

BILL [HB15-1342](#)

Short Title: Personnel File Right Of Inspection

Sponsors: SALAZAR

The bill allows an employee or former employee to request that his or her private-sector employer, except for a financial institution, permit the employee or former employee to inspect or request copies of the employee or former employee's personnel file within 30 days of a written request. Employees or former employees are required to pay reasonable costs of duplication. The bill specifies exceptions to the requirement. The bill authorizes an employee or former employee to provide written rebuttal information to the employer or former employer, requires information to be added to the employee or former employee's personnel file, and to accompany any transmittal or disclosure from the file made to a third party. The bill provides remedies to an employee or former employee if an employer or former employer fails to comply with the requirements of the bill.

Position: Oppose

Status: 04/23/2015 House Second Reading Laid Over to 05/11/2015 - No Amendments

Bank Impact: Bill would increase employee/employer litigation

BILL [HB15-1346](#)

Short Title: Taxation Of Corp Income Sheltered In Tax Haven

Sponsors: FOOTE / JONES

A C corporation doing business only in Colorado will compute its tax on 100% of the Colorado taxable income. However, a corporation doing business in more than one state must apportion its taxable income among all states in which the corporation is doing business. This becomes more complicated if the C corporation is part of an affiliated

group of corporations because if certain conditions are met, a corporation's income is calculated as its percentage of the income of the entire affiliated group. There are 4 possible filing alternatives for an affiliated group of corporations in Colorado:

- * Separate filing;
- * Consolidated filing;
- * Combined report filing; and
- * Combined report and consolidated filing. The bill pertains to an affiliated group of corporations filing a combined report. In a combined report filing, the tax is based on a percentage of the entire taxable income of all of the includable corporations, but the tax is assessed only against the corporation or corporations doing business in Colorado. Including more affiliated corporations in the combined report would result in an increase in income subject to tax. Generally speaking, tax havens are jurisdictions located outside of the United States with no tax or very low rates of taxation, strict bank secrecy provisions, a lack of transparency in the operation of its tax system, and a lack of effective exchange of information with other countries. Tax havens can include small, tropical Caribbean islands or old, aristocratic European principalities. There are several common legal strategies for using tax havens to avoid taxation. Notwithstanding a current requirement in state law that those corporations with 80% or more of their property and payroll assigned to locations outside of the United States be excluded from a combined report, for income tax years commencing on or after January 1, 2016, the bill makes a corporation incorporated in a tax haven an includable C corporation for purposes of the combined report. The bill lists a number of jurisdictions already considered tax havens and requires the department of revenue to biennially report to the finance committees of the house of representatives and the senate with an update of countries that may be considered tax havens. The bill makes C corporations part of an affiliated group if the parent C corporation indirectly owns the other. Current law only requires direct ownership. Changing that law to include indirect ownership avoids a loophole in affiliate ownership that can be used to circumvent these tax haven requirements and other requirements for combined report filers. The bill also specifies that an includable C corporation incorporated in a tax haven may be required by the department of revenue to submit a domestic disclosure spreadsheet to provide full disclosure of the income reported to each tax haven for the year, the tax liability for each tax haven, the method used for allocating or apportioning income to the tax haven, and the identity of all members of the affiliated group. For the most part, these statutory changes mirror the laws adopted in Montana and Oregon in 2003 and 2013, respectively. The bill requires the state controller to credit a specified amount per fiscal year to the state education fund to be used to help fund public school education. The bill requires the secretary of state to submit a ballot question, to be treated as a proposition, at the statewide election to be held in November 2015 asking the voters:

- * To increase taxes annually by the taxation of a corporation's income that is sheltered in a foreign tax haven;
- * To use the resulting tax revenue to help fund elementary and secondary public school education; and
- * To allow an estimate of the resulting tax revenue to be collected and spent notwithstanding any limitations in section 20 of article X of the state constitution (TABOR).

Position: **Oppose**

Status: 05/01/2015 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Bank Impact: **Bad for economic development**

BILL [HB15-1390](#)

Short Title: Consumer Credit Finance Charges

Sponsors: MELTON / HOLBERT

Current law limits the permissible finance charge on certain supervised loans and consumer credit sales based on the unpaid balances of the amount financed. The bill increases the applicable finance charge limits to:

- * 36% per year on an unpaid balance of the amount financed that is \$3,000 or less (changed from \$1,000 or less);
- * 21% per year on an unpaid balance of the amount financed that is more than \$3,000 but less than \$5,000 (changed from more than \$1,000 but less than \$3,000); and
- * 15% per year on an unpaid balance of the amount financed that is more than \$5,000 (changed from more than \$3,000).

Position: **Monitor**

Status

05/06/2015 Senate Third Reading Passed - No Amendments

Bank Impact: **Monitor for any impact on members that make small dollar loans**

BILL [SB15-034](#)

Short Title: Reduce Finance Charge Limit For Credit Cards

Sponsors: ULIBARRI / LEBSOCK

Under current law, the maximum permissible finance charge that a lender or seller may impose on a supervised loan or consumer credit sale pursuant to a revolving credit account, including a credit card transaction, is 21% per year on the unpaid balance of the amount financed. The bill reduces the maximum permissible finance charge to 12.5% per year on the unpaid balance of the amount financed for a credit card.

Position: **Oppose**

Status

01/26/2015 Senate Committee on Business, Labor, & Technology Postpone Indefinitely

Bank Impact: **Lowers (cuts to 12.5%) the rate that can be charged on revolving credit**

BILL [SB15-065](#)

Short Title: Ban Public Benefit Transfers At Certain Venues

Sponsors: MARBLE / NORDBERG

Federal law requires states to take measures to prevent recipients of public benefits from using electronic benefits transfers at liquor stores, gambling establishments, and adult-oriented entertainment establishments. Current Colorado statutes prohibit the use of automated teller machines by recipients of public benefits at liquor stores, gambling establishments, and firearms dealers. The bill extends the Colorado prohibitions to establishments licensed to sell marijuana or marijuana-infused products and at adult-oriented entertainment establishments.

Position: **Amend**

Status

05/01/2015 Governor Signed

Bank Impact: **CBA amended bill to give a grace period to get ATM programed to comply**

BILL [SB15-066](#)

Short Title: Noncitizen Resident Identification Documents

Sponsors: ULIBARRI

Currently, a person who is not lawfully present in the United States must produce a taxpayer identification number, among other documents, in order to obtain a driver's license or identification card. Section 1 of the bill expands this requirement so that a person may produce a social security number instead. Currently, the applicant must also document that the applicant has been a resident in Colorado for the last 24 months. Section 1 clarifies that the documentation need not account for every day of those 24 months. Currently, a person who is temporarily lawfully present may obtain a driver's license. Section 2 clarifies that an international student need not surrender a driver's license issued in a foreign jurisdiction.

Position: **Actively Monitor**

Status: 02/02/2015 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Bank Impact: **Monitor for impact on fraud**

BILL [SB15-068](#)

Short Title: Higher Ed Lower Debt Act

Sponsors: JONES / MORENO

The bill establishes a cap on the annual interest rate that a nongovernmental lender may charge for a student loan taken for the purpose of financing undergraduate, graduate, or professional education and related expenses of 2 percentage points over the rate that the federal government would charge the student for a direct unsubsidized student loan made for the same purpose. For income tax years commencing on or after January 1, 2016, the bill allows a state income tax deduction, to the extent included in federal taxable income, for amounts or principal and interest paid in repayment of a student loan.

Position: **Oppose**

Status: 02/02/2015 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Bank Impact: **Sets interest rate limits (price fixing) on student loans**

BILL [SB15-079](#)

Short Title: Doc Recording Fee To Fund Affordable Housing

Sponsors: ULIBARRI

Section 1 of the bill raises to \$2 the surcharge to be imposed by each county clerk and recorder (clerk) for each document received for recording or filing in his or her office on or after July 1, 2015. The surcharge is in addition to any other fees permitted by statute. Out of each \$2 collected, the bill requires the clerk to retain one dollar to be used to defray the costs of an electronic or core filing system in accordance with existing law. The bill requires the clerk to transmit the other dollar collected to the state treasurer, who is to credit the same to the statewide affordable housing investment fund (fund). Section 2 of the bill creates the fund in the Colorado housing and finance authority (authority). The bill specifies the source of moneys to be deposited into the fund and that the authority is to administer the fund. Moneys in the fund are to be expended by the authority for the development and preservation of affordable housing on a statewide basis. Section 2 of the bill also requires the authority to submit a report, no later than June 1 of each year, specifying the use of the fund during the prior calendar year to the governor and to the senate and house finance committees.

Position: **Oppose**

Status: 03/11/2015 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Bank Impact: **Has a negative impact on real estate transactions**

BILL [SB15-083](#)

Short Title: Certain Private Org Subject To CORA Requirements

Sponsors: HILL

The bill modifies the definition of "public records" under the "Colorado Open Records Act" to include all writings made, maintained, or kept by a private organization that receives moneys collected by the state or a political subdivision of the state at the request of a public employee or taxpayer and that involve the receipt or expenditure of moneys by the private organization.

Position: **Oppose**

Status: 02/04/2015 Senate Committee on Judiciary Postpone Indefinitely

Bank Impact: **Would subject banking records to CORA**

BILL [SB15-091](#)

Short Title: Reduce Statute Of Limitations Construction Defects

Sponsors: SCOTT

The bill reduces the maximum statutory limitation period for an action against an architect, contractor, builder or builder vendor, engineer, or inspector performing or furnishing the design, planning, supervision, inspection, construction, or observation of construction of any improvement to real property from 8 years to 4 years.

Position: **Actively Monitor**

Status: 04/22/2015 House Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Bank Impact: **Monitor for impact on construction and collateral**

BILL [SB15-096](#)

Short Title: Governor Appointed Public Trustees

Sponsors: SCOTT

Current law requires the governor to appoint the public trustee for each of the 10 counties designated as a county of the second class for purposes of the public trustee law. In all other counties, the county treasurer is the public trustee; except that in the city and county of Denver and the city and county of Broomfield, the public trustee is the equivalent officer as provided in its charter or code. The bill authorizes the board of county commissioners (board) of any county that has a public trustee who is appointed by the governor to elect, on or before January 1, 2017, to have the county treasurer serve as the public trustee of the county rather than an appointee of the governor. In connection with the election, the board is required to specify the date on which the term of the currently appointed public trustee expires, and the date on which the county treasurer of the county begins his or her duties as the public trustee. A board is required to provide notice of an election regarding the public trustee to the governor and to make information about the transfer of duties concerning the office of the public trustee available on the county's web site. Upon receipt of such notice, the governor is required to terminate the appointment of the public trustee in the applicable county as of the date specified by the board. The governor is required to keep a record of the counties that have made an election to have the county treasurer serve as the public trustee and to post the information on the governor's web site. The governor's office is also required to maintain the information on the governor's web site until the general assembly, acting by bill that becomes law, amends the public trustee statute to reflect which counties have made an election to have the county treasurer serve as the public trustee.

Position: **Actively Monitor**

Status: 02/03/2015 Senate Committee on Local Government Postpone Indefinitely

Bank Impact: **Monitor for impact on foreclosure**

BILL [SB15-101](#)

Short Title: Electronic Wage Payment

Sponsors: BALMER / PABON

The bill allows employers, at their discretion, to pay wages by electronic credit transfer to an employee's account in a financial institution or to deposit wages on a paycard if:

- * The employee has the option of electronic credit transfer to a financial institution account in lieu of credit to a paycard;
- * The employee has 7 days after receiving notice of the option to designate an account for electronic credit transfer;
- * The employer provides the employee with a written or electronic explanation of any fees associated with both electronic credit transfer and paycard;
- * The employer provides the employee with one withdrawal either by check, automated teller machine withdrawal, or electronic transfer per pay period with no fees;
- * The employer offers a program to the employee that does not charge a monthly maintenance fee to use the prepaid paycard; and
- * The employer allows the employee to always have the option to be paid by electronic credit transfer in lieu of credit to a paycard.

Position: **Amend**

Status: 03/18/2015 House Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Bank Impact: **CBA amended to make it clear that a paycard is not a "checking" account and other technical issues – the bill later died in the House**

BILL [SB15-109](#)

Short Title: Mandatory Abuse Report For Adult With A Disability

Sponsors: GRANTHAM / YOUNG

Joint Budget Committee. Under current law, certain persons are required to report to a law enforcement agency if the person observes or has reason to believe that a person 70 years of age or older has been abused or exploited. The bill expands this requirement to also cover a person with a disability who is 18 years of age or older.

Position: **Amend**

Status: 05/01/2015 Senate Considered House Amendments - Result was to Concur - Repass

Bank Impact: **Bank employees are not permitted to know if an individual has a disability - the bill requires us to report any abuse or suspected abuse of an at risk adult. CBA amended the bill to protect banks. Banks only report abuse of an at-risk adult that they directly observe or have reasonable cause to believe is happening by knowledge of actual fact or circumstance.**

BILL [SB15-132](#)

Short Title: Empowering Students In Higher Education Funding

Sponsors: TODD / PETTERSEN

The bill specifies that the state academic standards for public schools relating to financial literacy must include knowledge and skills relating to financing higher education or other career-related postsecondary education. The knowledge and skills include, but are not limited to, evaluating student loan programs, understanding loan repayment and the consequences of defaulting on student loans, and the requirement to pay student loan debt even if the student does not complete the educational program. Additionally, the bill appropriates general fund moneys to the department of higher education for distribution by the Colorado commission on higher education to fund merit-based financial aid programs for students demonstrating significant academic achievement.

Position: **Monitor/Support**

Status: 02/12/2015 Senate Committee on Education Postpone Indefinitely

Bank Impact: **Amend the financial literacy program to include information about student loans**

BILL [SB15-142](#)

Short Title: Property Tax Escrow Same As Federal RESPA

Sponsors: ROBERTS / PABON

The bill makes state law requirements for mortgage escrow accounts the same as those imposed by the federal "Real Estate Settlement Procedures Act of 1974".

Position: **Support**

Status: 03/18/2015 Governor Signed

Bank Impact: **Bill language ensures Colorado law follows Federal law**

BILL [SB15-174](#)

Short Title: Uniform Substitute Decision-making Docs Act

Sponsors: STEADMAN

Colorado Commission on Uniform State Laws. The bill adopts, with amendments, the "Uniform Substitute Decision-making Documents Act" as Colorado law. The bill establishes the circumstances under which a substitute decision-making document (document) executed outside this state is valid in this state. A person may assume in good faith that a document is genuine, valid, and still in effect and that the decision-maker's authority is genuine, valid, and still in effect. A person who is asked to accept a document shall do so within a reasonable amount of time. The person may not require an additional or different form of document for authority granted in the document presented. A person who refuses to accept a substitute document is subject to:

- * A court order mandating acceptance of the document; and
- * Liability for reasonable attorney's fees and costs incurred in an action or proceeding that mandates acceptance of the document. A person is not required to accept a substitute document under certain described conditions.

Position: **Oppose**

Status: 02/24/2015 Senate Committee on Judiciary Postpone Indefinitely

Bank Impact: **Oppose - the bill has fraud implications**

BILL [SB15-177](#)

Short Title: HOA Construction Defect Lawsuit Approval Timelines

Sponsors: SCHEFFEL / DELGROSSO

The bill states that when the governing documents of a common interest community require mediation or arbitration of a construction defect claim and the requirement is later amended or removed, mediation or arbitration is still required for a construction defect claim. These provisions are in section 2 of the bill. Section 2 also specifies that the mediation or arbitration must take place in the judicial district in which the community is located and that the arbitrator must:

- * Be a neutral third party;
- * Make certain disclosures before being selected; and
- * Be selected as specified in the common interest community's governing documents or, if not so specified, in accordance with the uniform arbitration act. Section 1 adds definitions of key terms. Section 3 requires that before a construction defect claim is filed on behalf of the association:
 - * The parties must submit the matter to mediation before a neutral third party; and
 - * The board must give advance notice to all unit owners, together with a disclosure of the projected costs, duration, and financial impact of the construction defect claim, and must obtain the written consent of the owners of units to which at least a majority of the votes in the association are allocated. Section 4 adds to the disclosures required prior to the purchase and sale of property in a common interest community a notice that the community's governing documents may require binding arbitration of certain disputes.

Position: **Monitor/Support**

Status: 04/27/2015 House Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Bank Impact: **This is the compromise construction defect bill**

BILL [SB15-181](#)

Short Title: Immediate Appeal Order Appointing Receiver

Sponsors: WOODS / SAINÉ

The bill specifies that, notwithstanding any other provision of law or court rule, and unless otherwise provided for by contract:

- * A court order granting or denying a motion or complaint for the appointment, removal, replacement, or retention of a receiver:
 - * Can be granted for the appointment or retention of a receiver only upon a showing of clear and convincing evidence, and, if granted, expires in the absence of the required showing from a proponent of the receivership, and must require the receiver to post a bond and to submit periodic reporting to the court and parties no less frequently than annually;

and

* May be appealed on an interlocutory basis to the court of appeals, which must review the matter de novo on an expedited basis. The receivership estate must pay the costs and fees associated with the appeal.

* A receiver is not immune from liability for gross negligence or willful breach of duty.

Position: Oppose

Status: 05/04/2015 House Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Bank Impact: Bill could lead to increased litigation - impairing collateral

BILL [SB15-200](#)

Short Title: Private Student Loan Disclosure Requirements

Sponsors: KERR

The bill prohibits a private educational lender, as defined in the bill, from offering gifts to a covered educational institution, as defined in the bill, including public and private institutions of higher education, in exchange for any advantage or consideration related to loan activities or from engaging in revenue sharing. Further, the bill prohibits persons employed at covered educational institutions from receiving anything of value from private educational lenders. The bill makes it unlawful for a private educational lender to impose a fee or penalty on a borrower for early repayment or prepayment of a private education loan and requires a lender to disclose any agreements made with a card issuer or creditor for purposes of marketing a credit card. The bill requires private educational lenders to disclose information to a potential borrower or borrower both at the time of application for a private education loan and at the time of consummation of the loan. The required disclosures are described in the bill and include, among other disclosures, the interest rate for the loan and adjustments to the rate, potential finance charges and penalties, payment options, an estimate of the total amount for repayment at the interest rate, the possibility of qualifying for federal loans, the terms and conditions of the loan, and that the borrower may cancel the loan, without penalty, within 3 business days after the date on which the loan is consummated.

Position: Oppose

Status: 03/25/2015 Senate Committee on Education Postpone Indefinitely

Bank Impact: Requires additional documentation to be provided by lenders

BILL [SB15-209](#)

Short Title: HOA Mgr Lic Debt Collection Exclude Time Shares

Sponsors: BALMER / WILLIAMS

The bill amends key definitions in the statute requiring licensure of professional community association managers to exclude the managers of communities in which a majority of units that are designated for residential use are time share units. A similar exclusion is made from the statute requiring the association to adopt and comply with a collections policy and to attempt to coordinate with the unit owner to set up a payment plan for the collection of past-due assessments and other delinquent payments.

Position: Monitor

Status: 05/01/2015 House Third Reading Passed - No Amendments

Bank Impact: No direct bank impact, monitor for impact on foreclosure process

BILL [SB15-210](#)

Short Title: Title Insurance Commission

Sponsors: WOODS / ARNDT

The bill creates the title insurance commission (commission). The bill establishes the powers, duties, and functions of the commission and provides for the appointment of the members of the commission. With the exception of rate

regulation and licensing, which will continue to be done by the insurance commissioner, the commission participates in the regulation of the title insurance business in Colorado by concurring in rules of the insurance commissioner, proposing rules for approval by the insurance commissioner, and reviewing and concurring in disciplinary actions related to the regulation of the title insurance business. The commission is scheduled to sunset September 1, 2025, subject to continuation after a sunset review as provided by law.

Position: **Monitor**

Status: 05/06/2015 Senate Considered House Amendments - Result was to Concur - Repass

Bank Impact: **Monitor for impact on title insurance industry**

BILL [SB15-275](#)

Short Title: Protections Information Provided General Assembly

Sponsors: LAMBERT / HULLINGHORST

The bill recognizes that members of the general assembly may need to receive confidential information during the course of their official duties in making decisions and voting on legislation with respect to all areas of state government. The bill encourages members of the general assembly to use this confidential information when it is necessary for carrying out official duties. Because of the general assembly's oversight over the health care system in Colorado, the bill specifically directs the governor and state agencies to consider the general assembly and its members a health oversight agency under federal law when any member of the general assembly receives individually identifiable health information. The bill requires members of the general assembly that receive confidential information, including individually identifiable health information, to keep the information confidential and only use it as necessary for the consideration of official actions of the general assembly. The bill changes the Colorado whistleblower protection law to protect state employees from retaliatory disciplinary action when they give information to members of the general assembly. The bill specifies that if a state employee gives confidential information to a member of the general assembly, the member of the general assembly shall keep that information confidential and not make it available for public inspection.

Position: **Actively Oppose**

Status: 05/01/2015 Senate Second Reading Lost with Amendments - Floor

Bank Impact: **Permits confidential information regarding a bank and bank customers to be made public**

BILL [SB15-282](#)

Short Title: Jump-start Prog Econ Dev Distressed Counties

Sponsors: SCOTT / DURAN

The bill creates the "Tax-friendly Zone Act" and requires the Colorado economic development commission (commission) to manage and oversee the program. The bill allows tax-friendly zones to be created in up to 30 of the state's highly distressed counties. Those highly distressed counties are determined by ranking the state's distressed counties from lowest to highest by the total sum of annual percentage change in each distressed county for population, employment, weekly wage, and the number of establishments. To be distressed, a county must meet 2 of 3 economic indicators related to change in employment, change in assessed value of all property, and the number of pupils eligible for free lunch. The bill defines a tax-friendly zone as an area within the boundaries of a highly distressed county that is either:

- * In one or more incorporated portions of the highly distressed county if the municipality provides the commission with a general resolution agreeing to provide incentive payments, exemptions, or credits to offset the imposition of certain municipal taxes for all new businesses in order to be a participant in the tax-friendly zone program;
- * In one or more incorporated portions of the distressed county if the municipality provides the commission with a limited resolution that indicates the municipality agrees to only provide incentive payments, exemptions, or credits to offset the imposition of certain municipal taxes for a specific new business in order to be a limited participant in the tax-friendly zone program; or
- * In the unincorporated portions of the highly distressed county. If a new business establishes a relationship with a state

institution of higher education in the tax-friendly zone and then locates in the zone, the new business is entitled to tax-friendly zone program benefits as follows:

- * An income tax credit for the new business in an amount equal to 100% of the income taxes imposed on the income derived from the new business' activities in the tax-friendly zone for a specified period, and the specified period may be extended, subject to limitations, by the commission at the request of the new business;
- * An income tax credit for the new business' employees in an amount equal to 100% of the income taxes imposed on the employees' wages paid by the new business for a specified period, and the specified period may be extended, subject to limitations, by the commission at the request of the new business;
- * A sales and use tax refund on the purchase of all tangible personal property acquired by the new business and used exclusively within the tax-friendly zone for a specified period, and the specified period may be extended, subject to limitations, by the commission at the request of the new business; and
- * The elimination of the business personal property tax and incentive payments, exemptions, or refunds as determined by the county or municipality to eliminate any other tax liability imposed on the new business by the county and municipality. The bill establishes requirements on the new business, the new employees, and the new hires, and sets forth application parameters for the state institution of higher education and the new business. State institutions of higher education include public postsecondary institutions governed by the state board for community colleges and occupational education. The bill also requires the commission to issue guidelines on a number of the details related to the administration of the program. The bill specifies that the guidelines issued by the commission must be reviewed by the office of legislative legal services as if such guidelines were rules subject to review pursuant to the "State Administrative Procedure Act". The commission is required to annually review the economic stabilities of those counties determined to be not highly distressed to see if the county should be designated as highly distressed. Each highly distressed county retains its designation as a highly distressed county for 3 years, after which the commission will review the designation. If the commission determines that the county is no longer highly distressed, the new business and new employees in such county retain the tax-friendly program benefits for the period set forth in statute.

Position: **Monitor**

Status: 05/06/2015 House Third Reading Passed - No Amendments

Bank Impact: **Monitor for economic impact**

BILL [SB15-283](#)

Short Title: Debt Collections Actions And Exemptions

Sponsors: WOODS / LEE

For property that a judgment debtor may claim as exempt from levy and sale, the bill:

- * Increases the dollar value of certain properties;
- * Adds crops and dairy products to agricultural assets;
- * Provides that the exemption for motor vehicles does not apply to certain recreational vehicles;
- * Establishes a lesser exemption for business property if the business activity is not the debtor's primary occupation; and
- * Clarifies the calculation of the nonexempt portion of the cash surrender value of life insurance policies. The bill clarifies definitions of "earnings" to include payments made to independent contractors for labor or services. The bill changes the procedure for service of a notice of exemption and pending levy in certain garnishment proceedings.

Position: **CBA was given an early draft of the bill and reached a compromise on exemption amounts prior to the bill being introduced**

Status: 05/06/2015 House Third Reading Passed - No Amendments

Bank Impact: **Monitor for any amendments**