

CHAPTER 282

PROFESSIONS AND OCCUPATIONS

SENATE BILL 17-215

BY SENATOR(S) Priola, Tate;
also REPRESENTATIVE(S) Gray, Bridges, Rosenthal, Valdez, Van Winkle, Duran.

AN ACT

CONCERNING THE CONTINUATION UNDER THE SUNSET LAW OF THE DIVISION OF REAL ESTATE, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE SUNSET REPORT PREPARED BY THE DEPARTMENT OF REGULATORY AGENCIES.

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

SECTION 1. In Colorado Revised Statutes, **amend** 12-61-123 as follows:

12-61-123. Repeal of part. This part 1 is repealed, effective ~~July 1, 2017.~~ ~~Prior to such~~ SEPTEMBER 1, 2026. BEFORE ITS repeal, the real estate division, including the real estate commission, shall be reviewed ~~as provided for~~ in ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

SECTION 2. In Colorado Revised Statutes, **amend** 12-61-204 as follows:

12-61-204. Repeal of part. This part 2 is repealed, effective ~~July 1, 2017.~~ ~~Prior to such~~ ~~repeal,~~ the provisions in this part 2 shall be reviewed ~~as provided for in~~ section 24-34-104, C.R.S. SEPTEMBER 1, 2026. BEFORE ITS REPEAL, THIS PART 2 IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

SECTION 3. In Colorado Revised Statutes, **amend** 12-61-408 as follows:

12-61-408. Repeal of part. This part 4 is repealed, effective ~~July 1, 2017.~~ ~~Prior to such~~ ~~repeal,~~ the provisions in this part 4 shall be reviewed ~~as provided for in~~ section 24-34-104, C.R.S. SEPTEMBER 1, 2026. BEFORE ITS REPEAL, THIS PART 4 IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

SECTION 4. In Colorado Revised Statutes, 24-34-104, **amend** (27)(a) introductory portion; **repeal** (12)(a)(VI); and **add** (27)(a)(VI) as follows:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (12) (a) The following agencies, functions, or both, will repeal on July 1, 2017:

(VI) ~~The division of real estate including the real estate commission created in part 1 of article 61 of title 12, C.R.S.;~~

(27) (a) The following agencies, functions, or both, ~~will~~ ARE SCHEDULED FOR repeal on September 1, 2026:

(VI) THE DIVISION OF REAL ESTATE, INCLUDING THE REAL ESTATE COMMISSION, CREATED IN PART 1 OF ARTICLE 61 OF TITLE 12, AND ITS FUNCTIONS UNDER PARTS 1, 2, AND 4 OF ARTICLE 61 OF TITLE 12.

SECTION 5. In Colorado Revised Statutes, 12-61-103, **add** (6)(c)(III) as follows:

12-61-103. Application for license - rules. (6) (c) In addition to all other applicable requirements, the following provisions apply to brokers that did not hold a current and valid broker's license on December 31, 1996:

(III) EFFECTIVE JANUARY 1, 2019, A BROKER SHALL NOT ACT AS AN EMPLOYING BROKER WITHOUT FIRST DEMONSTRATING, IN ACCORDANCE WITH RULES OF THE COMMISSION, EXPERIENCE AND KNOWLEDGE SUFFICIENT TO ENABLE THE BROKER TO EMPLOY AND ADEQUATELY SUPERVISE OTHER BROKERS, AS APPROPRIATE TO THE BROKER'S AREA OF SUPERVISION. THE COMMISSION'S RULES MUST SET FORTH THE METHOD OR METHODS BY WHICH THE BROKER MAY DEMONSTRATE SUCH EXPERIENCE AND KNOWLEDGE, EITHER BY DOCUMENTING A SPECIFIED NUMBER OF TRANSACTIONS THAT THE BROKER HAS COMPLETED OR BY OTHER METHODS.

SECTION 6. In Colorado Revised Statutes, 12-61-105, **amend** (1) as follows:

12-61-105. Commission - compensation - immunity - subject to termination. (1) There ~~shall be~~ IS HEREBY CREATED a commission of five members, appointed by the governor, which shall administer parts 1 ~~3~~; and 4 of this ~~article~~ ARTICLE 61. This commission ~~shall be~~ is known as the real estate commission, also referred to in this part 1 as the "commission", and ~~shall consist~~ CONSISTS of three real estate brokers who have had not less than five years' experience in the real estate business in Colorado, ONE OF WHOM HAS SUBSTANTIAL EXPERIENCE IN PROPERTY MANAGEMENT, and two representatives of the public at large. Members of the commission ~~shall~~ hold office for a period of three years. Upon the death, resignation, removal, or otherwise of any member of the commission, the governor shall appoint a member to fill out the unexpired term. The governor may remove any member for misconduct, neglect of duty, or incompetence.

SECTION 7. In Colorado Revised Statutes, 12-61-110, **amend** (4)(a) introductory portion as follows:

12-61-110. License fees - partnership, limited liability company, and corporation licenses - rules. (4) (a) The commission shall require that any person

licensed under this part 1, whether on an active or inactive basis, renew ~~said~~ THE license ~~on an anniversary date every three years~~ ON OR BEFORE DECEMBER 31 OF EVERY THIRD YEAR AFTER ISSUANCE. Renewal ~~shall be~~ IS conditioned upon fulfillment of the continuing education requirements set forth in section 12-61-110.5. ~~and submission of fingerprints as required in section 12-61-110.8;~~ except that any person licensed under this part 1 who maintains an inactive license and wants to renew to an active status shall only submit fingerprints as required in section 12-61-110.8 upon application to an active status and, except that, the real estate commission may acquire a name-based criminal history record check for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable. For persons renewing or reinstating an active license, written certification verifying completion for the previous three-year licensing period of the continuing education requirements set forth in ~~said~~ section SECTION 12-61-110.5 shall accompany and be submitted to the commission with the application for renewal or reinstatement. For persons who did not submit certification verifying compliance with section 12-61-110.5 at the time a license was renewed or reinstated on an inactive status, written certification verifying completion for the previous three-year licensing period of the continuing education requirements set forth in said section shall accompany and be submitted with any future application to reactivate the license. The commission may, by rule, establish procedures to facilitate such a renewal. ~~Until such procedures are established, every license issued under the provisions of this part 1 shall expire at 12 midnight on December 31 of the year in which issued; except that each renewal of such license shall be for three years and shall expire at 12 midnight on December 31 of the third year.~~ In the absence of any reason or condition that might warrant the refusal of the granting of a license or the revocation thereof, the commission shall issue a new license upon receipt by the commission of the written request of the applicant and the fees therefor, as required by this section. Applications for renewal will be accepted thirty days prior to January 1. A person who fails to renew a license before January 1 of the year succeeding the year of the expiration of such license may reinstate the license as follows:

SECTION 8. In Colorado Revised Statutes, 12-61-111.5, **amend** (1), (2)(a), and (2)(b) as follows:

12-61-111.5. Fee adjustments - cash fund created - repeal. (1) This section ~~shall apply~~ APPLIES to all activities of the division under parts 1, 3, 4, 7, ~~and 10 of this article~~ 9, AND 10 OF THIS ARTICLE 61.

(2) (a) (I) The division shall propose, as part of its annual budget request, an adjustment in the amount of each fee that it is authorized by law to collect under parts 1, 3, 4, 7, ~~and 10 of this article~~ 9, AND 10 OF THIS ARTICLE 61. The budget request and the adjusted fees for the division shall reflect direct and indirect costs.

(II) The costs of the HOA information and resource center, created in section 12-61-406.5, shall be paid from the ~~HOA information and resource center~~ DIVISION OF REAL ESTATE cash fund created in THIS section. ~~12-61-406.5.~~ The division of real estate shall estimate the direct and indirect costs of operating the HOA information and resource center and shall establish the amount of the annual registration fee to be collected under section 38-33.3-401. ~~C.R.S.~~ The amount of the registration fee shall be sufficient to recover ~~such~~ THESE costs, subject to a maximum limit of fifty

dollars. and subject to adjustment to reflect the actual direct and indirect costs of operating the HOA information and resource center pursuant to the general directive to adjust fees to avoid exceeding the statutory limit on uncommitted reserves in administrative agency cash funds as set forth in section 24-75-402 (3), C.R.S.

(b) (I) Based upon the appropriation made and subject to the approval of the executive director of the department of regulatory agencies, the division of real estate shall adjust its fees so that the revenue generated from ~~said~~ THE FEES approximates its direct and indirect costs ~~Such~~ INCURRED IN ADMINISTERING THE PROGRAMS AND ACTIVITIES FROM WHICH THE FEES ARE DERIVED. THE fees shall remain in effect for the fiscal year for which the budget request applies. All fees collected by the division, not including fees retained by contractors pursuant to contracts entered into in accordance with section 12-61-103 or 24-34-101, ~~C.R.S.~~, shall be transmitted to the state treasurer, who shall credit the same to the division of real estate cash fund, which fund is hereby created. All ~~moneys~~ MONEY credited to the division of real estate cash fund shall be used as provided in this section OR IN SECTION 12-61-111 and shall not be deposited in or transferred to the general fund of this state or any other fund.

(II) (A) ON JUNE 30, 2017, THE STATE TREASURER SHALL TRANSFER TO THE DIVISION OF REAL ESTATE CASH FUND ALL UNEXPENDED AND UNENCUMBERED MONEY THAT REMAINED IN THE HOA INFORMATION AND RESOURCE CENTER CASH FUND CREATED IN SECTION 12-61-406.5, THE CONSERVATION EASEMENT HOLDER CERTIFICATION FUND CREATED IN SECTION 12-61-724, THE CONSERVATION EASEMENT TAX CREDIT CERTIFICATE REVIEW FUND CREATED IN SECTION 12-61-727, AND THE MORTGAGE COMPANY AND LOAN ORIGINATOR LICENSING CASH FUND CREATED IN SECTION 12-61-908 IMMEDIATELY PRIOR TO THE REPEAL OF THOSE FUNDS.

(B) THIS SUBSECTION (2)(b)(II) IS REPEALED, EFFECTIVE JULY 1, 2018.

SECTION 9. In Colorado Revised Statutes, 12-61-113, **amend** (1) introductory portion and (1)(m) as follows:

12-61-113. Investigation - revocation - actions against licensee or applicant - repeal. (1) The commission, upon its own motion, may, and, upon the complaint in writing of any person, shall, investigate the activities of any licensee or any person who assumes to act in ~~such~~ THE capacity OF A LICENSEE within the state, and the commission, after ~~the~~ holding of a hearing pursuant to section 12-61-114, has the power to impose an administrative fine not to exceed two thousand five hundred dollars for each separate offense and to censure a licensee, to place the licensee on probation and to set the terms of probation, or to temporarily suspend A LICENSE, or permanently revoke a license, when the licensee has performed, is performing, or is attempting to perform any of the following acts and is guilty of:

(m) (I) Conviction of, entering a plea of guilty to, or entering a plea of nolo contendere to any crime in article 3 of title 18; ~~C.R.S.~~; parts 1, 2, 3, and 4 of article 4 of title 18; ~~C.R.S.~~; part 1, 2, 3, 4, 5, 7, 8, or 9 of article 5 of title 18; ~~C.R.S.~~; article 5.5 of title 18; ~~C.R.S.~~; parts 3, 4, 6, 7, and 8 of article 6 of title 18; ~~C.R.S.~~; parts 1, 3, 4, 5, 6, 7, and 8 of article 7 of title 18; ~~C.R.S.~~; part 3 of article 8 of title 18; ~~C.R.S.~~; article 15 of title 18; ~~C.R.S.~~; article 17 of title 18; ~~C.R.S.~~; section 18-18-404,

18-18-405, 18-18-406, 18-18-411, 18-18-412.5, 18-18-412.7, 18-18-412.8, 18-18-415, 18-18-416, 18-18-422, or 18-18-423; ~~C.R.S.~~; or any other like crime under Colorado law, federal law, or the laws of other states. A certified copy of the judgment of a court of competent jurisdiction of such conviction or other official record indicating that such plea was entered shall be conclusive evidence of such conviction or plea in any hearing under this part 1.

(II) AS USED IN THIS SUBSECTION (1)(m), "CONVICTION" INCLUDES THE IMPOSITION OF A DEFERRED JUDGMENT OR DEFERRED SENTENCE.

SECTION 10. In Colorado Revised Statutes, 12-61-203.5, **amend** (1) introductory portion as follows:

12-61-203.5. Referral fees - conformity with federal law required - remedies for violation. (1) ~~No licensee~~ A PERSON LICENSED under parts 1 to 4 of this article shall NOT pay or receive a referral fee EXCEPT IN ACCORDANCE WITH THE FEDERAL "REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974", AS AMENDED, 12 U.S.C. SEC. 2601 ET SEQ., AND unless reasonable cause for payment of the referral fee exists. A reasonable cause for payment means:

SECTION 11. In Colorado Revised Statutes, 12-61-406.5, **amend** (4) as follows:

12-61-406.5. HOA information and resource center - creation - duties - rules - repeal. (4) The operating expenses of the HOA information and resource center shall be paid from the ~~HOA information and resource center~~ DIVISION OF REAL ESTATE cash fund, ~~which fund is hereby created in the state treasury. The fund shall consist of annual registration fees paid by unit owners' associations and collected by the division of real estate pursuant to section 38-33.3-401, C.R.S. Interest earned on moneys in the fund shall remain in the fund, and any unexpended and unencumbered moneys in the fund at the end of any fiscal year shall not revert to the general fund or any other fund. Payments from the fund shall be~~ SECTION 12-61-111.5, subject to annual appropriation.

SECTION 12. In Colorado Revised Statutes, 12-61-724, **amend** (3) as follows:

12-61-724. Certification of conservation easement holders - rules - repeal - definition. (3) At the time of submission of an application, and each year the entity is certified pursuant to this section, the applicant shall pay the division a fee, as prescribed by the division, to cover the costs of the division and the commission in administering the certification program for entities that hold conservation easements for which tax credits are claimed pursuant to section 39-22-522. ~~C.R.S.~~ The division shall have the authority to accept and expend gifts, grants, and donations for the purposes of this section. The state treasurer shall credit fees, gifts, grants, and donations collected pursuant to this subsection (3) to the ~~conservation easement holder certification~~ DIVISION OF REAL ESTATE CASH fund ~~which fund is hereby created in the state treasury. Moneys in the fund are subject to annual appropriation to the division for the purposes of implementing and administering this section and do not revert to the general fund at the end of any fiscal year. The fund shall be maintained in accordance with section 24-75-402, C.R.S.~~ SECTION 12-61-111.5. On or before each January 1, the division shall certify to the general assembly the amount of the fee prescribed by the division pursuant to this subsection (3).

SECTION 13. In Colorado Revised Statutes, 12-61-727, **amend** (6) as follows:

12-61-727. Conservation easement tax credit certificate application process - definitions - rules. (6) A landowner submitting an application for a tax credit certificate pursuant to this section or an application for an optional preliminary advisory opinion pursuant to subsection (14) of this section shall pay the division a fee as prescribed by the division. The application fee for an optional preliminary advisory opinion may be a different dollar amount than the application fee for a tax credit certificate. The fees must cover the costs of the division and the commission in administering the requirements of this section. The state treasurer shall credit the fees collected pursuant to this subsection (6) to the ~~conservation easement tax credit certificate review~~ DIVISION OF REAL ESTATE CASH fund which fund is hereby created in the state treasury. ~~The general assembly shall annually appropriate moneys in the fund to the division for the purposes of implementing and administering this section. The moneys shall not revert to the general fund at the end of any fiscal year. The fund shall be maintained in accordance with section 24-75-402, C.R.S.~~ SECTION 12-61-111.5. On or before January 1, 2014, and on or before each January 1 thereafter, the division shall certify to the general assembly the amount of any fees prescribed by the division pursuant to this subsection (6).

SECTION 14. In Colorado Revised Statutes, 12-61-803, **amend** (4) as follows:

12-61-803. Relationships between brokers and the public - definition. (4) (a) A broker licensed pursuant to part 1 of this article, whether acting as a single agent or transaction-broker, may complete standard forms ~~including those promulgated by the Colorado real estate commission and may advise the parties as to effects thereof if the~~ FOR USE IN A REAL ESTATE TRANSACTION, INCLUDING STANDARD FORMS INTENDED TO CONVEY PERSONAL PROPERTY AS PART OF THE REAL ESTATE TRANSACTION, WHEN A broker is performing the activities enumerated or referred to in section 12-61-101 (2) in the transaction. ~~in which the forms are to be used. In any such transaction, the broker shall advise the parties that the forms have important legal consequences and that the parties should consult legal counsel before signing such forms.~~

(b) AS USED IN THIS SUBSECTION (4), "STANDARD FORM" MEANS:

(I) A FORM PROMULGATED BY THE REAL ESTATE COMMISSION FOR CURRENT USE BY BROKERS, ALSO REFERRED TO IN THIS SECTION AS A "COMMISSION-APPROVED FORM";

(II) A FORM DRAFTED BY A LICENSED COLORADO ATTORNEY REPRESENTING THE BROKER, EMPLOYING BROKER, OR BROKERAGE FIRM, SO LONG AS THE NAME OF THE ATTORNEY OR LAW FIRM AND THE NAME OF THE BROKER, EMPLOYING BROKER, OR BROKERAGE FIRM FOR WHOM THE FORM IS PREPARED ARE INCLUDED ON THE FORM ITSELF;

(III) A FORM PROVIDED BY A PARTY TO THE TRANSACTION IF THE BROKER IS ACTING IN THE TRANSACTION AS EITHER A TRANSACTION-BROKER OR AS A SINGLE AGENT FOR THE PARTY PROVIDING THE FORM TO THE BROKER, SO LONG AS THE BROKER RETAINS WRITTEN CONFIRMATION THAT THE FORM WAS PROVIDED BY A PARTY TO THE TRANSACTION;

(IV) A FORM PRESCRIBED BY A GOVERNMENTAL AGENCY, A QUASI-GOVERNMENTAL AGENCY, OR A LENDER REGULATED BY STATE OR FEDERAL LAW, IF USE OF THE FORM IS MANDATED BY SUCH AGENCY OR LENDER;

(V) A FORM ISSUED WITH THE WRITTEN APPROVAL OF THE COLORADO BAR ASSOCIATION OR ITS SUCCESSOR ORGANIZATION AND SPECIFICALLY DESIGNATED FOR USE BY BROKERS IN COLORADO, SO LONG AS THE FORM IS USED WITHIN ANY GUIDELINES OR CONDITIONS SPECIFIED BY THE COLORADO BAR ASSOCIATION OR SUCCESSOR ORGANIZATION IN CONNECTION WITH THE USE OF THE FORM;

(VI) A FORM USED FOR DISCLOSURE PURPOSES ONLY, IF THE DISCLOSURE DOES NOT PURPORT TO WAIVE OR CREATE ANY LEGAL RIGHTS OR OBLIGATIONS AFFECTING ANY PARTY TO THE TRANSACTION AND IF THE FORM PROVIDES ONLY INFORMATION CONCERNING EITHER:

(A) THE REAL ESTATE INVOLVED IN THE TRANSACTION SPECIFICALLY; OR

(B) THE GEOGRAPHIC AREA IN WHICH THE REAL ESTATE IS LOCATED GENERALLY;

(VII) A FORM PRESCRIBED BY A TITLE COMPANY THAT IS PROVIDING CLOSING SERVICES IN A TRANSACTION FOR WHICH THE BROKER IS ACTING EITHER AS A TRANSACTION-BROKER OR AS A SINGLE AGENT FOR A PARTY TO THE TRANSACTION; OR

(VIII) A LETTER OF INTENT CREATED OR PREPARED BY A BROKER, EMPLOYING BROKER, OR BROKERAGE FIRM SO LONG AS THE LETTER OF INTENT STATES ON ITS FACE THAT IT IS NONBINDING AND CREATES NO LEGAL RIGHTS OR OBLIGATIONS.

(c) A BROKER SHALL USE A COMMISSION-APPROVED FORM WHEN SUCH A FORM EXISTS AND IS APPROPRIATE FOR THE TRANSACTION. A BROKER'S USE OF ANY STANDARD FORM DESCRIBED IN SUBSECTION (4)(b)(III) OR (4)(b)(IV) OF THIS SECTION MUST BE LIMITED TO INSERTING TRANSACTION-SPECIFIC INFORMATION WITHIN THE FORM. IN USING STANDARD FORMS DESCRIBED IN SUBSECTION (4)(b)(II), (4)(b)(V), (4)(b)(VI), (4)(b)(VII), OR (4)(b)(VIII) OF THIS SECTION, THE BROKER MAY ALSO ADVISE THE PARTIES AS TO EFFECTS THEREOF, AND THE BROKER'S USE OF THOSE STANDARD FORMS MUST BE APPROPRIATE FOR THE TRANSACTION AND THE CIRCUMSTANCES IN WHICH THEY ARE USED. IN ANY TRANSACTION DESCRIBED IN THIS SUBSECTION (4), THE BROKER SHALL ADVISE THE PARTIES THAT THE FORMS HAVE IMPORTANT LEGAL CONSEQUENCES AND THAT THE PARTIES SHOULD CONSULT LEGAL COUNSEL BEFORE SIGNING SUCH FORMS.

SECTION 15. In Colorado Revised Statutes, 12-61-902.5, **amend** (3) as follows:

12-61-902.5. Board of mortgage loan originators - creation - compensation - enforcement of part after board creation - immunity. (3) Each member of the board shall receive the same compensation and reimbursement of expenses as those provided for members of boards and commissions in the division of professions and occupations pursuant to section 24-34-102 (13). ~~C.R.S.~~ Payment for all per diem compensation and expenses shall be made out of annual appropriations from the ~~mortgage loan originator licensing~~ DIVISION OF REAL ESTATE cash fund created in section ~~12-61-908~~ 12-61-111.5.

SECTION 16. In Colorado Revised Statutes, 12-61-905, **amend** (7)(c) as follows:

12-61-905. Powers and duties of the board. (7) (c) All fines collected pursuant to this subsection (7) shall be transferred to the state treasurer, who shall credit ~~such moneys~~ THEM to the ~~mortgage company and loan originator licensing~~ DIVISION OF REAL ESTATE cash fund created in section ~~12-61-908~~ 12-61-111.5.

SECTION 17. In Colorado Revised Statutes, 12-61-905.1, **amend** (2)(c) as follows:

12-61-905.1. Powers and duties of the board over mortgage companies - fines - rules. (2) (c) All fines collected pursuant to this section shall be transmitted to the state treasurer, who shall credit ~~such moneys~~ THEM to the ~~mortgage company and loan originator licensing~~ DIVISION OF REAL ESTATE cash fund created in section ~~12-61-908~~ 12-61-111.5.

SECTION 18. In Colorado Revised Statutes, 12-61-905.5, **amend** (7) as follows:

12-61-905.5. Disciplinary actions - grounds - procedures - rules. (7) All administrative fines collected pursuant to this section shall be transmitted to the state treasurer, who shall credit ~~the same~~ THEM to the ~~mortgage company and loan originator licensing~~ DIVISION OF REAL ESTATE cash fund created in section ~~12-61-908~~ 12-61-111.5.

SECTION 19. In Colorado Revised Statutes, **amend** 12-61-908 as follows:

12-61-908. Fees. (1) The board may set the fees for issuance and renewal of licenses and registrations under this part 9. The fees shall be set in amounts that offset the direct and indirect costs of implementing this part 9 and section 38-40-105. ~~C.R.S.~~ The ~~moneys~~ MONEY collected pursuant to this section shall be transferred to the state treasurer, who shall credit them to the ~~mortgage company and loan originator licensing~~ DIVISION OF REAL ESTATE cash fund CREATED IN SECTION 12-61-111.5.

(2) There is hereby created in the state treasury the ~~mortgage company and loan originator licensing~~ cash fund. Moneys in the fund shall be spent only to implement this part 9 and section 38-40-105, C.R.S., and shall not revert to the general fund at the end of the fiscal year. The fund shall be subject to annual appropriation by the general assembly.

(3) For the 2009-10 fiscal year, the division is authorized to expend up to one hundred twelve thousand dollars or such other amount as may be appropriated by the general assembly from the ~~mortgage company and loan originator licensing~~ cash fund for purposes of paying the development costs assessed by the conference of state bank supervisors, or its successor organization, for participating in the nationwide mortgage licensing system and registry. However, the board shall use its discretion in determining whether expenditure of these moneys is necessary for compliance with the federal "Secure and Fair Enforcement for Mortgage Licensing Act of 2008" or participation in the nationwide mortgage licensing system and registry.

SECTION 20. Effective date. This act takes effect June 30, 2017.

SECTION 21. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2017