

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 21-0923.01 Thomas Morris x4218

HOUSE BILL 21-1293

HOUSE SPONSORSHIP

Snyder and Larson, Bernett, Bird, Bockenfeld, Gray, Hooton, Pico, Ricks

SENATE SPONSORSHIP

Woodward,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A MODIFICATION TO THE THRESHOLD BELOW WHICH A**
102 **BANK NEED NOT USE A CREDENTIALLED APPRAISER TO APPRAISE**
103 **PROPERTY REFLECTED IN ITS BALANCE SHEET.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law requires a bank to use a certified or licensed appraiser when including property in its financial balance sheet unless the property is initially valued at \$250,000 or less. The bill deletes the dollar-value limit and changes the exemption to a value consistent with federal requirements and established pursuant to rules of the state banking board.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
May 10, 2021

HOUSE
2nd Reading Unamended
May 7, 2021

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

2 **SECTION 1.** In Colorado Revised Statutes, 11-105-401, **amend**
3 (1)(d) as follows:

4 **11-105-401. Acquisition of property to satisfy indebtedness.**

5 (1) A state bank may take property of any kind to satisfy, in whole or in
6 part, or to protect indebtedness previously created in good faith by it.
7 Property acquired by a state bank to apply on an indebtedness to a state
8 bank shall be held subject to the following limitations:

9 (d) The property shall be entered on the books at not more than
10 cost or fair market value, whichever is less, except as otherwise provided
11 by the banking board. Each bank maintaining property acquired to satisfy
12 indebtedness will obtain an initial written appraisal and subsequent
13 appraisals as to fair market value by a qualified independent appraiser or
14 such other person as the banking board may approve. ~~Such~~ THE
15 subsequent appraisals shall be obtained pursuant to rules of the state
16 banking board; except that, for purposes of this subsection (1)(d), an
17 appraisal, as defined in section 12-10-602 (1), by an appraiser certified OR
18 licensed ~~or registered~~ pursuant to section 12-10-611 shall not be required
19 on properties initially valued pursuant to this subsection (1)(d) at ~~two~~
20 ~~hundred fifty thousand dollars or less~~ A VALUE CONSISTENT WITH
21 FEDERAL REQUIREMENTS AND ESTABLISHED PURSUANT TO RULES OF THE
22 STATE BANKING BOARD. If ~~such~~ THE appraiser or other person approved
23 by the banking board certifies in writing ~~such~~ THE appraiser's or other
24 person's opinion that the fair market value has not declined, this opinion
25 may be substituted for a subsequent appraisal.

26 **SECTION 2. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
2 the expiration of the ninety-day period after final adjournment of the
3 general assembly; except that, if a referendum petition is filed pursuant
4 to section 1 (3) of article V of the state constitution against this act or an
5 item, section, or part of this act within such period, then the act, item,
6 section, or part will not take effect unless approved by the people at the
7 general election to be held in November 2022 and, in such case, will take
8 effect on the date of the official declaration of the vote thereon by the
9 governor.

10 (2) This act applies to conduct occurring on or after the applicable
11 effective date of this act.