The Colorado Department of Treasury, Division of Unclaimed Property, will hold a public rulemaking hearing on the following Revised Uniform Unclaimed Property rules listed below on **July 8, 2021 at 9:00 A.M.** This hearing will be conducted entirely by video conference.

Parties wishing to attend or participate by video conference may obtain a link for connecting by sending an email to greatcopayback@state.co.us. Participants are welcome to use a webcam to appear by video, but may also leave their video camera off.

Parties wishing to attend or participate by teleconference should connect as follows:

**Phone Number: -**

+1 669 900 6833 (San Jose)
+1 346 248 7799 (Houston)
+1 929 205 6099 (New York)
+1 301 715 8592 (Washington DC)
+1 312 626 6799 (Chicago)

**Meeting ID:** **-** Meeting ID: 994 7700 6533

Passcode: 774153

**Proposed Rules:**

* **Rule 1.1 Authority** **-** The purpose of the amendment to this rule is to update the title and section of the new statute 38-13-101 C.R.S. (the Revised Uniform Unclaimed Property Act).
* **Rule 1.2 Scope and Purpose** **-** The purpose of the amendment to this rule is to update the language to be in line with the Revised Unclaimed Property Act.
* **Rule 1.3 Applicability** **-** The purpose of the amendment to this rule is to remove the reference to the previous Unclaimed Property Act of 1987 and replace it with the Revised Uniform Unclaimed Property Act.
* **Rule 1.4 Definitions** – The purpose of this amendment is to update the statute for the Revised Uniform Unclaimed Property Act.
* **Rule 1.5.7 Indemnification** **-** The purpose of the amendment to this rule is to update the language to be in line with the Revised Unclaimed Property Act.
* **Rule 1.5.11 Located Property** **-** The purpose of the amendment to this rule is to add a maximum compensation of 10% for locators of property. This amount is not applicable to overbids as The Revised Uniform Unclaimed Property Act specifies compensation for this type of property.
* **Rule 1.5.13 Electronic Reporting** **-** The purpose of the amendment to this rule is to update the title and section of the new statute (38-13-401 C.R.S.). This rule updates the procedures for electronically reporting holder reports via software or the state’s website in the NAUPA Standard Electronic File Format.
* **Rule 1.5.14 Electronic Signatures** **-** The purpose of the amendment to this rule is to remove the electronic signatures language for holders as their reports no longer require signatures. Electronic signatures are still applicable for claims that do not require a notary. The new statute section for the Revised Uniform Unclaimed Property Act has been updated.
* **Rule 1.5.15 Power of Attorney** **-** The purpose of the amendment to this rule is to update the new statute (38-13-903 C.R.S) within the Revised Uniform Unclaimed Property Act’s section.
* **Rule 1.5.16 Aggregate Reporting** **-** The purpose of the amendment to this rule is to remove the deduction language. The Revised Uniform Unclaimed Property Act removed the deduction for holders reporting unclaimed property to the state. This rule aligns with the new statute’s language.
* **Rule 1.5.17 Continuity of Records** **-** The purpose of the amendment to this rule is to update the reference to the new statute (38-13-404 C.R.S) within the Revised Uniform Unclaimed Property Act’s section.
* **Rule 1.5.18 Remittance and Custody of Securities** **-** The purpose of the amendment to this rule is to define the Administrator’s ability to decline specific securities as allowed by the Revised Uniform Unclaimed Property Act. Securities that may be under global lock, restricted, worthless or non-transferable are covered in the rule. The statute section for the Revised Uniform Unclaimed Property Act has been updated.
* **Rule 1.5.19 Nature of Unclaimed Property** **-** The purpose of the amendment to this rule is to expand the required reporting fields a holder must report. This includes the apparent owner’s name, address and social security number or tax identification for $25 or more. The statute section (38-13-402 C.R.S) for the Revised Uniform Unclaimed Property Act has been updated.
* **Rule 1.6.1 Reporting Deadlines and Extensions** **-** The purpose of the new rule is to comply with the new Revised Uniform Unclaimed Property statute for holder reporting dates. All insurance companies must now report on May 1st of each year per 38-13-403 C.R.S. The rule also defines the Administrator’s procedures for applying for a 30-day reporting extension as identified in 38-13-403(3) C.R.S.
* **Rule 1.6.2 Local Government Agency Opt-Out Option** **-** The purpose of the new rule is to define an opt-out procedure for local governments from reporting unclaimed property to the state. This is in reference to the new Revised Uniform Unclaimed Property Act, C.R.S 38-13-1504.
* **Rule 1.6.3 Notary of Claims** **-** The purpose of the new rule is to define a notary requirement for owner claims of $1000 or greater. This is an increase from the previous act of $100 or greater.
* **Rule 1.6.4 Audit Examination Estimation** **-** The purpose of the new rule is to define when an estimation can be used in a third party audit as outlined in the Revised Uniform Unclaimed Property Act.
* **Rule 1.6.5 Third Party Audit Contracts -** The purpose of the new rule is to define third party audit contracts as outlined in the Revised Uniform Unclaimed Property Act, 38-13-1009 C.R.S. This includes the auditor’s compensation, experience, conduct (avoiding conflict of interest) and provide the states monthly updates. This rule also confirms that the third party contracts are a public record under the Colorado Open Records Act.
* **Rule 1.6.6 Notice of Third Party Audit Examination** **-** The purpose of the new rule is to define the notification process of third party audit contracts as outlined in the Revised Uniform Unclaimed Property Act. This includes what should be included in the notice letter and who should receive the letter.
* **Rule 1.6.7 Third Party Audit Examination Entrance Conference** **-** The purpose of the new rule is to define the entrance conference of the third party audits as outlined in the Revised Uniform Unclaimed Property Act.
* **Rule 1.6.8 Third Party Audit Examinations Advocates** **-** The purpose of the new rule is to define the role of advocates in third party audits as outlined in the Revised Uniform Unclaimed Property Act.
* **Rule 1.6.9 Third Party Audit Examination Guidelines -** The purpose of the new rule is to define the exam guidelines of the third party audits as outlined in the Revised Uniform Unclaimed Property Act. This includes the request and receipt of additional records, that the auditor may use outside sources in their review and the audit must be documented and available for review by the Administrator.
* **Rule 1.6.10 Confidentiality of Records Obtained or Compiled During the Third Party Audit Examination** **-** The purpose of the new rule is to define the confidentiality requirements of the third party audits as outlined in the Revised Uniform Unclaimed Property Act.
* **Rule 1.6.11 Confidentiality Agreement- Third Party Examination** **-** The purpose of the new rule is to define the responsibility of the Administrator’s agent of the third party audit to keep confidential and secure provisions of records obtained in the exam as outlined in the Revised Uniform Unclaimed Property Act.
* **Rule 1.6.12 Third Party Audit Examination Bankruptcy -** The purpose of the new rule is to define the actions required by a person if they file bankruptcy during a third party audit.
* **Rule 1.6.13 Third Party Audit Examination Audit Resolution Agreements** **-** The purpose of the new rule is to define the process of a resolution agreement. This allows the Administrator to negotiate and settle with a person subject to a third party examination.
* **Rule 1.6.14 Third Party Audit Examination Report to Holder-** The purpose of the new rule is to define the output discovered from the third party audit. This includes the work performed; the property reviewed; the methodology of estimation, extrapolation or statistical sampling (if applicable); calculation showing the value of the property due and the finding of the person conducting the examination.
* **Rule 1.6.15 Multistate Third Party Audit Examinations -** The purpose of the new rule is to define the multistate third party audit practices. This rule addresses the differences in state law when involved in a multistate audit.

The Department will accept oral and written comments on these proposed rules. Oral comments will be accepted by video and telephone conference at the hearing. Written comments may be submitted to greatcopayback@state.co.us in advance or in lieu of oral commentary at the hearing and will be accepted until 5:00 P.M. on July 8, 2021.

The proposed rules will be published in the Colorado Register on June 10, 2021.