

**Source:** L. 90: Entire article R&RE, p. 734, § 1, effective July 1. L. 94: (1) amended, p. 1844, § 8, effective July 1.

**Editor's note:** This section is similar to former § 11-51-120 as it existed prior to 1990.

## PART 7

### ADMINISTRATION AND FEES

**11-51-701. Division of securities - creation - powers and duties.** There is hereby created the division of securities within the department of regulatory agencies, the head of which shall be the commissioner of securities, who shall be appointed by the executive director of the department of regulatory agencies, pursuant to the provisions of section 13 of article XII of the state constitution, and the securities board. The division shall be responsible for the administration of the provisions of articles 51, 53, and 59 of this title and part 7 of article 75 of title 24, C.R.S., and shall perform such other duties as are imposed upon it by law.

**Source:** L. 90: Entire article R&RE, p. 734, § 1, effective July 1. L. 91: Entire section amended, p. 2425, § 3, effective June 8. L. 93: Entire section amended, p. 327, § 3, effective July 1. L. 94: Entire section amended, p. 1845, § 9, effective July 1.

**Editor's note:** This section is similar to former § 11-51-103 as it existed prior to 1990.

### **11-51-702. Division subject to termination. (Repealed)**

**Source:** L. 90: Entire article R&RE, p. 734, § 1, effective July 1. L. 91: Entire section repealed, p. 678, § 7, effective April 20.

**Editor's note:** Prior to its repeal, this section was similar to former § 11-51-104 as it existed prior to 1990.

**11-51-702.5. Securities board - creation - duties - repeal.** (1) There is hereby created the securities board within the department of regulatory agencies which shall consist of five persons appointed by the governor, subject to the consent and approval of the senate, as follows:

- (a) Two persons who are licensed by the state supreme court to practice law in the state of Colorado and who are conversant in securities law;
- (b) One person certified as a certified public accountant pursuant to article 2 of title 12, C.R.S.; and
- (c) Two persons who are members of the public at large.

(d) (a) One of the members of the securities board shall reside west of the continental divide.

(b) The members shall serve terms of three years with each term ending on July 1 of the year in which the term expires.

(c) Any vacancy on the securities board occurring before the expiration of the term shall be filled by the governor for the remainder of the term.

(d) Securities board members may be removed for cause.

(e) Securities board members shall be reimbursed for actual and necessary expenses, not to include out-of-state travel expenses.

(f) Members of the board shall not serve more than two consecutive terms on the board.

(3) Securities board members shall be subject to the conflict of interest limitations placed on other employees of the division of securities pursuant to section 11-51-703 (2).

(4) The securities board shall provide oversight to the securities commissioner and shall be available to advise the securities commissioner at the request of the securities commissioner on issues affecting the division of securities and securities regulations in the state.

(5) The securities board shall meet as often as is necessary, but no less than quarterly. Meetings may be called by the chairperson of the securities board at the request of the securities commissioner or any member of the securities board.

(6) (a) The securities board shall aid and advise the securities commissioner at the request of the securities commissioner in connection with the duties of the securities commissioner under articles 51, 53, and 59 of this title and part 7 of article 75 of title 24, C.R.S., including but not limited to the promulgation of rules, issuance of orders, formulation of policies, and the setting of fees under such articles and other issues affecting the division of securities and securities regulation in the state.

(b) (Deleted by amendment, L. 2004, p. 15, § 1, effective July 1, 2004.)

(c) The securities board shall hear the matters described in section 11-51-606 (1.5)(d), (3)(e), and (4)(d) and issue the initial decisions as provided therein. The chairperson of the securities board shall determine the date and place for such hearings and may appoint a panel of the securities board consisting of no less than three board members to conduct such hearings. Any hearing held regarding an order issued by the securities commissioner under section 11-51606 (3) or (4) shall be heard by the securities board.

(7) (a) This section is repealed, effective September 1, 2026.

(b) Prior to such repeal, the functions of the securities board shall be reviewed as provided for in section 24-34-104, C.R.S.

**Source:** L. 94: Entire section added, p. 1845, § 10, effective July 1. L. 96: (6)(c) amended, p. 1467, § 6, effective June 1. L. 2001: (6)(c) amended, p. 802, § 2, effective July 1. L. 2004: (2)(f) added and (6)(b) and (7)(a) amended, p. 15, §§ 2, 1,

effective July 1. L. 2015: (2)(b), (2)(f), and (7)(a) amended, (SB 15-102), ch. 249, p. 910, § 2, effective May 29.

**11-51-703. Administration of article.** (1) The securities commissioner is hereby empowered to administer and enforce all provisions of this article and to provide the division of securities with such books, records, files, and printing and other supplies and employ such officers and clerical and other assistance as may be necessary in the securities commissioner's discretion to perform the duties required of the securities commissioner under this article.