

SENATE COMMITTEE ON JUDICIARY

May 10, 2005
1:00 P.M.

Hearing Room 343
Tapes 131 - 132

Corrected 10/26/05

MEMBERS PRESENT: **Sen. Ginny Burdick, Chair**
 Sen. Charles Starr, Vice-Chair
 Sen. Roger Beyer
 Sen. Floyd Prozanski
 Sen. Vicki Walker
 Sen. Doug Whitsett

MEMBER EXCUSED: **Sen. Charlie Ringo**

STAFF PRESENT: **William E. Taylor, Counsel**
 Sam Sears, Counsel
 Dale Penn, Committee Assistant

MEASURES/ISSUES HEARD:
 HB 2982 – Public Hearing and Work Session
 HB 2983 – Public Hearing and Work Session
 HB 3324 – Public Hearing and Work Session
 HB 2632 – Public Hearing and Work Session
 HB 2633 – Public Hearing and Work Session
 HB 2980 – Public Hearing and Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 131, A		
003	Chair Burdick	Calls the meeting to order at 1:13 p.m. and opens a public hearing on HB 2982.
<u>HB 2982 – PUBLIC HEARING</u>		
007	William E. Taylor	Counsel. Describes HB 2982 relating to modifying the time periods for which the records of financial institution may be disclosed to law enforcement authorities.
017	Tom Perrick	President, Oregon Bankers Association. Testifies in support of HB 2982. Talks about the statutory changes they seek through this bill.
045	Raul Ramirez	Marion County Sheriff. Testifies in support of HB 2982. Declares the support from law enforcement on this bill.
061	Chair Burdick	Asks about current law on the issue of deadlines and limitations.
069	Jeff Kaer	Addresses the current law on investigatory methods and the abilities of law enforcement relating to deadlines for these investigations.
086	Sen. Walker	Inquires about the release of bank records without a subpoena or other legal form of demands.
089	Perrick	Replies that they would not release this information without the proper legal documents.

094 Chair Burdick Closes the public hearing on HB 2982 and opens a public hearing on HB 2983.

HB 2983 – PUBLIC HEARING

099 Sam Sears Counsel. Describes HB 2983 relating to lowering the age of persons to whom special rates or services are permitted under law prohibiting discrimination based on age by a place of public accommodation from 55 to 50.

109 Tim Martinez Oregon Bankers Association. Testifies in support of HB 2983.

128 Rick Bennett American Association of Retired Persons of Oregon. Testifies in support of HB 2983.

131 Chair Burdick Asks if they believe they're out of compliance with state law relating to discounts and benefits for their members because they would be offering benefits only to age 55 plus after this bill passes.

140 Bennett Replies that he does not believe they have any special rates or services offered to members of their organization at age 50.

155 Martinez Stresses that any group targeting services to groups aged 50 or above would be violating this rule, and are at risk.

177 Chair Burdick Closes the public hearing on HB 2983 and opens a public hearing on HB 3324.

HB 3324 – PUBLIC HEARING

180 William E. Taylor Counsel. Describes HB 3324 relating to allowing an Oregon bank or trust company to be organized as a limited liability company (LLC).

186 Tim Martinez Oregon Bankers Association. Testifies in support of HB 3324.

210 Fred Postlewait President, Oregon Community Bank, Newport, Oregon. Submits testimony and testifies in support of HB 3324 (**EXHIBIT A**). Describes the different types of services/loans his bank offers to the local community.

240 Postlewait Talks about his past experiences in leading a small town community bank in Lincoln City.

271 Postlewait Details how his bank can remain viable in its community over the next few years. Discusses the need to allow small community banks to be converted into LLCs.

310 Postlewait Continues reading testimony relating to converting a community bank into an LLC.

336 Sen. Whitsett Asks how much working capital is required to be held, undispersed, by an LLC.

343 Postlewait Describes the tax responsibilities, and liabilities, inherent with an LLC, as well as the amount of working capital required to be retained.

368 Pam Levitt Credit Union Association of Oregon. Clarifies the issue of tax liabilities for owners of the different types of banks.

387 Chair Burdick Closes the public hearing on HB 3324 and opens a public hearing on HB 2632.

HB 2632 – PUBLIC HEARING

392 William E. Taylor Counsel. Describes HB 2632 relating to modifying the interest rate payable on certain general pecuniary devises.

399 Tim Martinez Oregon Bankers Association. Testifies in support of HB 2632.

420 Chair Burdick Closes the public hearing on HB 2632 and opens a public hearing on HB 2633.

HB 2633 – PUBLIC HEARING

423 William E. Taylor Counsel. Describes HB 2633 relating to modifying the provisions regarding compensation of personal representatives in

428	Tim Martinez	probate proceedings.
TAPE 132, A		Oregon Bankers Association. Testifies in support of HB 2633.
010	Chair Burdick	Closes the public hearing on HB 2633 and opens a public hearing on HB 2980.
<u>HB 2980 – PUBLIC HEARING</u>		
013	William E. Taylor	Counsel. Describes HB 2980 relating to specifying that notices of foreclosure sales involving a trust deed are effective when mailed.
017	Tim Martinez	Oregon Bankers Association. Testifies in support of HB 2980.
037	Chair Burdick	Closes the public hearing on HB 2980 and opens a work session on HB 2982.
<u>HB 2982 – WORK SESSION</u>		
040	Sen. Starr	MOTION: Moves HB 2982 to the floor with a DO PASS recommendation.
		VOTE: 6-0-1
		EXCUSED: 1 - Ringo
042	Chair Burdick	Hearing no objection, declares the motion CARRIED.
		SEN. BURDICK will lead discussion on the floor.
043	Chair Burdick	Closes the work session on HB 2982 and opens a work session on HB 2983.
<u>HB 2983 – WORK SESSION</u>		
045	Sen. Starr	MOTION: Moves HB 2983 to the floor with a DO PASS recommendation.
049	Sen. Prozanski	Discusses his possible conflict of interest by now being above the age of 50.
		VOTE: 6-0-1
		EXCUSED: 1 - Ringo
053	Chair Burdick	Hearing no objection, declares the motion CARRIED.
		SEN. PROZANSKI will lead discussion on the floor.
057	Chair Burdick	Closes the work session on HB 2983 and opens a work session on HB 3324.
<u>HB 3324 – WORK SESSION</u>		
058	Sen. Starr	MOTION: Moves HB 3324 to the floor with a DO PASS recommendation.
		VOTE: 6-0-1
		EXCUSED: 1 - Ringo
061	Chair Burdick	Hearing no objection, declares the motion CARRIED.
		SEN. WHITSETT will lead discussion on the floor.
063	Chair Burdick	Closes the work session on HB 3324 and opens a work session on HB 2632.
<u>HB 2632 – WORK SESSION</u>		
065	Sen. Starr	MOTION: Moves HB 2632 to the floor with a DO PASS recommendation.
		VOTE: 6-0-1
		EXCUSED: 1 - Ringo
068	Chair Burdick	Hearing no objection, declares the motion CARRIED.
		SEN. STARR will lead discussion on the floor.
070	Chair Burdick	Closes the work session on HB 2632 and opens a work session on HB 2633.
<u>HB 2633 – WORK SESSION</u>		
075	Sen. Starr	MOTION: Moves HB 2633 to the floor with a DO PASS recommendation.
		VOTE: 6-0-1

077 Chair Burdick **EXCUSED: 1 - Ringo**
Hearing no objection, declares the motion CARRIED.
SEN. WALKER will lead discussion on the floor.

080 Chair Burdick Closes the work session on HB 2633 and opens a work session on HB 2980.

HB 2980 – WORK SESSION

083 Sen. Starr **MOTION: Moves HB 2980 to the floor with a DO PASS recommendation.**
VOTE: 6-0-1

086 Chair Burdick **EXCUSED: 1 - Ringo**
Hearing no objection, declares the motion CARRIED.
SEN. BEYER will lead discussion on the floor.

088 Chair Burdick Closes the work session on HB 2980 and adjourns the meeting at 1:45 p.m.

EXHIBIT SUMMARY

A. **HB 3324, written testimony, Fred Postlewait, 3 pp**