HOUSE AMENDMENTS TO
HOUSE BILL 2901

By COMMITTEE ON BUSINESS AND LABOR

April 20

1   On page 1 of the printed bill, line 4, delete "and 708A.535" and insert ", 708A.535 and
2   711.410".

3   On page 3, after line 15, insert:

4   "(10) The prohibition on transfers of assets set forth in ORS 711.410 does not apply to assess-
5   ments, payments, transfers or sales of securities made pursuant to this section.".

6   In line 40, after "deposits" insert "of one or more public officials that exceed the limits specified
7   in ORS 295.025" and after "report" insert "with its custodian bank and".

8   On page 4, after line 5, insert:

9   "(3) An undercapitalized bank depository shall report the actual amount of public funds deposits
10 held by it at least weekly to its custodian bank and to the State Treasurer.".

11 In line 34, before "program" insert "certificate of deposit or time deposit under the".

12 On page 5, after line 1, insert:

13 "(2) The State Treasurer shall notify each bank depository and its custodian of the total aggre-
14 gate public funds deposits of all public officials in all bank depositories, based on the most recently
15 submitted treasurer reports. The treasurer shall give the notification required by this subsection by
16 the last day of the month in which bank depositories are required to submit a treasurer report.".

17 In line 2, delete "(2)" and insert "(3)".

18 In line 5, delete "(3)" and insert "(4)" and delete "(2)" and insert "(3)".

19 In line 12, after "A" insert "well capitalized bank depository or an adequately capitalized".

20 After line 30, insert:

21 "(2) If any of a bank depository's pledged securities mature during the periods described in
22 subsection (1) of this section, the bank depository shall pledge substitute securities that shall be held
23 by its custodian until the expiration of the period.".

24 In line 31, delete "(2)" and insert "(3)".

25 In line 34, delete "(3)" and insert "(4)".

26 In line 35, delete "(2)" and insert "(3)".

27 In line 37, after the period insert "If the bank depository no longer has pledged collateral that
28 may be used to pay the assessment, the bank depository shall remain liable for payment of the as-
29 sessment from its other assets.".

30 On page 6, line 19, after "means" insert "one of".

31 In line 23, delete "and" and insert "or".

32 Delete lines 28 and 29 and insert:

33 "(C) Has been approved by the State Treasurer to serve as a custodian bank, if the State
34 Treasurer has approved custodians under ORS 295.008.".

35 In line 35, delete "'Depository bank' or".

1   On page 7, line 19, delete "or".

2   In line 21, delete the period and insert "; or

3   "(C) An amount otherwise prescribed in ORS 295.005 to 295.165.".

4   In line 24, delete "or".

5   In line 26, delete the period and insert "; or

6   "(C) An amount otherwise prescribed in ORS 295.005 to 295.165.".

7   Delete lines 28 and 29 and insert:

8   "(A) All public funds held by the bank depository; or".

9   On page 9, delete lines 31 through 34 and insert:

10   "(b) The State Treasurer may approve one or more insured institutions or trust companies to

11   serve as custodians for bank depositories. The State Treasurer shall promptly notify all bank de-

12   positories of the approval of an insured institution or trust company to serve as a custodian.".

13   In line 35, after "a" insert "bank".

14   On page 10, line 13, after "a" insert "bank".

15   In line 15, before "if" insert "or complying with subsection (3) of this section".

16   In line 18, delete "section 4" and insert "sections 4 and 7".

17   In line 19, after "a" insert "bank".

18   In line 35, after "loans" insert "described in ORS 295.005 (17)(f)".

19   In line 44, delete "custodian" and insert "State Treasurer".

20   On page 11, line 19, after "(b)" insert "With the written approval of the State Treasurer,".

21   After line 20, insert:

22   "(5) The State Treasurer shall act upon requests for releases and withdrawals of securities un-

23   der subsections (2) and (4)(b) of this section within three business days after the receipt of each

24   request.".

25   On page 13, after line 10, insert:

26   "(2) Until the Oregon bank depository places public funds into one or more certificates of de-

27   posit or time deposits as provided in subsection (1) of this section, any public funds held by the

28   Oregon bank depository pending such placement that are in excess of the amounts allowed in ORS

29   295.025 must be collateralized as provided in ORS 295.005 to 295.165 for other public funds

30   deposits.".

31   In line 11, delete "(2)" and insert "(3)".

32   In line 29, delete "calendar quarter" and insert "month".

33   On page 14, line 6, delete "names".

34   Delete line 7 and insert "name and address of its custodian bank.".

35   On page 20, after line 18, insert:

36   "**SECTION 32.** ORS 711.410 is amended to read:

37   "711.410. **Except for transfers by a bank depository or the State Treasurer of public funds**

38   **or securities as required by ORS 295.005 to 295.165,** all transfers of assets made after the com-

39   mission of an act of insolvency or in contemplation of insolvency, to prevent the application of the

40   assets in the manner prescribed by the Bank Act or to the preference of one creditor to another are

41   void.".

42   In line 19, delete "32" and insert "33".

43   In line 31, delete "33" and insert "34".

44   In line 33, delete "34" and insert "35".

45   In line 35, delete "and 708A.535" and insert ", 708A.535 and 711.410" and delete "31" and insert

1 "32".

2   In line 36, delete "33" and insert "34".

3   In line 38, delete "35" and insert "36".

4   In line 40, delete "and 708A.535" and insert ", 708A.535 and 711.410" and delete "31" and insert

5 "32".

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