

HOUSE AMENDMENTS TO HOUSE BILL 2350

By COMMITTEE ON BUSINESS AND LABOR

April 14

- 1 On page 1 of the printed bill, line 6, after “708A.265,” insert “708A.275,”.
- 2 In line 10, delete “709.530,”.
- 3 In line 11, delete the first comma and insert “and” and delete “, 708A.275 and 711.199”.
- 4 On page 3, delete lines 4 through 20 and insert:
- 5 **“SECTION 3. Section 4 of this 2015 Act is added to and made a part of ORS chapter 706.**
- 6 **“SECTION 4. (1) An insured institution or extranational institution shall file a notice**
- 7 **with the Director of the Department of Consumer and Business Services and pay a**
- 8 **nonrefundable fee of \$100 within 30 days after establishing a loan production office in this**
- 9 **state. The notice must include:**
- 10 **“(a) The name of the insured institution or extranational institution and the address of**
- 11 **the main office;**
- 12 **“(b) The name and address of the loan production office; and**
- 13 **“(c) The name and address of the officer of the insured institution or extranational in-**
- 14 **stitution who is responsible for loan production office activities.**
- 15 **“(2) An insured institution or extranational institution shall file a notice under sub-**
- 16 **section (1) of this section for each loan production office the insured institution or**
- 17 **extranational institution establishes in this state.**
- 18 **“(3) An insured institution or extranational institution shall amend a notice the insured**
- 19 **institution or extranational institution filed under subsection (1) of this section if a material**
- 20 **change occurs in the information in the original notice. An amendment to a notice is not**
- 21 **subject to a fee.**
- 22 **“(4) An insured institution or extranational institution shall notify the director if the**
- 23 **insured institution or extranational institution closes a loan production office in this state,**
- 24 **specifying the date of closure and describing how the insured institution or extranational**
- 25 **institution will dispose of any records the insured institution or extranational institution**
- 26 **maintained at the loan production office. A notice under this subsection is not subject to a**
- 27 **fee.”.**
- 28 On page 5, line 22, delete “a financial” and insert “an insured institution or extranational”.
- 29 In line 23, delete “financial” and insert “insured institution or extranational”.
- 30 On page 6, delete lines 15 through 45 and delete page 7.
- 31 On page 8, delete lines 1 through 5 and insert:
- 32 **“SECTION 6. ORS 706.008 is amended to read:**
- 33 **“706.008. As used in the Bank Act:**
- 34 **“(1) ‘Bank’ means a company, other than an extranational institution, that accepts deposits [*in-***
- 35 ***sured to any extent by*] that the Bank Insurance Fund insures to any extent under the provisions**

1 of the Federal Deposit Insurance Act, as amended, 12 U.S.C. 1811, et seq.

2 “(2) ‘Bank holding company’ means a company that is a bank holding company under the federal
3 Bank Holding Company Act of 1956, as amended, 12 U.S.C. 1841, et seq.

4 “(3) ‘Bank service corporation’ means a corporation **or a limited liability company** that is or-
5 ganized to perform services authorized by ORS 708A.145, all of the capital stock [of] **or membership**
6 **interests of** which [is owned by] one or more banking institutions or national banks **own**.

7 “(4) ‘Banking institution’ means an Oregon commercial bank, an Oregon trust company or an
8 Oregon savings bank.

9 “(5) ‘Company’ means an entity that is a company under the federal Bank Holding Company Act
10 of 1956, as amended, 12 U.S.C. 1841, et seq.

11 “(6) ‘Extrnational institution’ means a corporation, unincorporated company, partnership or
12 association of two or more persons organized under the laws of a nation other than the United
13 States, **or other than** a territory of the United States, Puerto Rico, Guam, American Samoa or the
14 Virgin Islands, that engages directly in [a] banking business.

15 “(7) ‘Federal bank’ means a national bank or another bank organized under the laws of the
16 United States.

17 “[8] ‘Federal savings bank’ means a corporation chartered as a federal savings bank under the
18 provisions of 12 U.S.C. 1464.]

19 “[9] (8) ‘Financial holding company’ means a company that engages in activities described for
20 a financial holding company in section 103 of the federal Gramm-Leach-Bliley Act (P.L. 106-102).

21 “[10] (9) ‘Financial institution’ means an insured institution, an extrnational institution, a
22 credit union as defined in ORS 723.006, an out-of-state credit union under ORS 723.042 [and] **or** a
23 federal credit union.

24 “[11] ‘In-state federal stock bank’ means a federal bank that issues capital stock, the home state
25 of which is Oregon.]

26 “[12] (10) ‘Institution’ means an Oregon commercial bank or an Oregon trust company.

27 “[13] (11) ‘Insured institution’ means a company, the deposits of which are insured under the
28 provisions of the Federal Deposit Insurance Act, as amended, 12 U.S.C. 1811, et seq.

29 “[14] ‘Insured nonstock institution’ means an insured institution that does not issue capital
30 stock.]

31 “[15] ‘Insured stock institution’ means an insured institution that issues capital stock.]

32 “[16] (12) ‘National bank’ means a bank that was organized under the provisions of the Na-
33 tional Bank Act, as amended, 12 U.S.C. 21, et seq.

34 “[17] (13) ‘Non-Oregon institution’ means:

35 “(a) An out-of-state state bank [engaging] **that engages** in banking business in Oregon;

36 “(b) An out-of-state trust company [transacting] **that transacts** trust business in Oregon; [and]

37 **or**

38 “(c) An extrnational institution [engaging] **that engages** in banking business in Oregon.

39 “[18] (14) ‘Nonstock bank’ means a bank that does not issue capital stock.

40 “[19] (15) ‘Oregon bank’ means an Oregon stock bank or Oregon nonstock bank.

41 “[20] (16) ‘Oregon commercial bank’ means an Oregon stock bank that was chartered under
42 ORS chapter 707 as a bank other than a stock savings bank.

43 “[21] (17) ‘Oregon nonstock bank’ means a [state] nonstock bank or savings bank, the home
44 state of which is Oregon.

45 “[22] (18) ‘Oregon operating institution’ means:

1 “(a) A bank that engages in banking business in this state;
2 “(b) An extranational institution that engages in banking business in this state; or
3 “(c) A trust company that transacts trust business in this state.
4 “[23] (19) ‘Oregon savings bank’ or ‘savings bank’ means an Oregon stock savings bank or an
5 Oregon nonstock savings bank.
6 “[24] (20) ‘Oregon stock bank’ means a [state] stock bank, the home state of which is Oregon.
7 “[25] (21) ‘Oregon stock savings bank’ means an Oregon stock bank that was initially chartered
8 as or was converted to a stock savings bank under the Bank Act.
9 “[26] (22) ‘Oregon trust company’ means a trust company that was organized under the pro-
10 visions of ORS chapter 707.
11 “[27] (23) ‘Out-of-state bank’ means an out-of-state state bank or an out-of-state federal bank.
12 “[28] (24) ‘Out-of-state bank holding company’ means a bank holding company, the home state
13 of which is not Oregon, and that is not the bank holding company of an Oregon stock bank or an
14 in-state federal stock bank.
15 “[29] (25) ‘Out-of-state federal bank’ means a federal bank, the home state of which is not
16 Oregon.
17 “[30] (26) ‘Out-of-state financial holding company’ means a financial holding company, the home
18 state of which is not Oregon, and that is not the financial holding company of an Oregon stock bank
19 or an in-state federal stock bank.
20 “[31] (27) ‘Out-of-state state bank’ means a state bank, the home state of which is not Oregon.
21 “[32] (28) ‘Out-of-state trust company’ means a trust company that was organized under the
22 laws of another state.
23 “[33] (29) ‘State bank’ means a bank that was organized under the laws of a state.
24 “[34] ‘State nonstock bank’ means a nonstock bank that was organized under the laws of a
25 state.]
26 “[35] ‘State stock bank’ means a stock bank that was organized under the laws of a state.]
27 “[36] (30) ‘Stock bank’ means a bank that issues capital stock.
28 “[37)(a)] (31)(a) ‘Trust company’ means a company that is authorized under the provisions of
29 ORS chapter 709 to transact trust business, including the trust department of a bank.
30 “(b) ‘Trust company’ does not include a corporation that a United States Bankruptcy Court ap-
31 points to serve as a bankruptcy trustee under Title 11, United States Code, during a time in which
32 the corporation is acting as a bankruptcy trustee.”
33 On page 13, line 17, delete “sign and”.
34 In line 28, after “merger,” insert “or the acquiring bank in an acquisition or assumption.”
35 In line 30, delete “are” and insert “is” and after “merger” insert “or the acquisition or as-
36 sumption”.
37 On page 14, delete lines 24 through 27 and insert:
38 “(A) The name of any banking institution, insured institution, extranational institution that has
39 complied with the provisions of ORS 713.020 or 713.300 or credit union, as defined in ORS 723.008;
40 or”.
41 In line 30, after “trust” insert “currently on file with the Secretary of State”.
42 In line 35, delete “deceptively similar to” and insert “not distinguishable from”.
43 Delete lines 42 through 44 and insert:
44 “(a) The name of any banking institution, insured institution, extranational institution that has
45 complied with the provisions of ORS 713.020 or 713.300 or credit union, as defined in ORS

1 723.008;”.

2 On page 15, line 1, after “trust” insert “currently on file with the Secretary of State”.

3 In line 8, delete “and sign”.

4 On page 17, line 28, after “amount” delete the rest of the line.

5 In line 29, delete “or”.

6 On page 21, delete lines 19 through 21 and insert “state that the Director of the Department
7 of Consumer and Business Services must approve or not disapprove the plan, that the holders of at
8 least two-thirds of the outstanding shares of the institution or Oregon stock savings bank that are
9 entitled to vote on the plan must approve the plan in accordance with this paragraph and that is-
10 suing shares under the plan will dilute the interests of existing shareholders in the institution or the
11 Oregon stock savings bank.”.

12 On page 22, line 9, delete “not less than 10 days and”.

13 In line 16, delete “subject”.

14 In line 17, delete “matter” and delete “of the meeting” and insert “action”.

15 On page 28, line 7, restore “a financial institution” and delete the boldfaced material.

16 In line 8, delete “bank”.

17 On page 29, after line 21, insert:

18 “**SECTION 45a.** ORS 708A.275 is amended to read:

19 “708A.275. (1) [A *financial institution*] **An Oregon bank** shall file a notice with the Director of
20 the Department of Consumer and Business Services within 30 days [of] **after** establishing a loan
21 production office in this state **or in another state**. The notice [shall] **must** include:

22 “(a) The name of the [financial institution] **Oregon bank** and **the** address of the main office;

23 “(b) The name and address of the loan production office; and

24 “(c) The name and address of the officer of the [financial institution] **Oregon bank who is re-**
25 **sponsible for loan production office activities.**

26 “(2) **An Oregon bank shall file** a notice [shall be filed] **under subsection (1) of this section**
27 **for each loan production office [in this state].**

28 “(3) Each notice [filed] **that an Oregon bank files** under subsection (1) of this section [shall]
29 **must** be:

30 “(a) Accompanied by a nonrefundable fee of \$100.

31 “(b) Amended [when there is] **if** a material change **occurs** in the information **the Oregon bank**
32 **provided [pursuant to] under** subsection (1) of this section. [No] **A** fee is **not** required for amend-
33 **ments.**

34 “(4) [A *financial institution*] **An Oregon bank** shall notify the director of the closure of a loan
35 production office [in this state], the date of closure and the disposition of any records previously
36 maintained at the loan production office [subject to closure]. [No] **A** fee is **not** required for a notice
37 of closure.”.

38 On page 30, line 29, delete “Oregon commercial” and insert “insured institution”.

39 In line 30, delete the first “bank” and delete “Oregon commercial bank” and insert “insured
40 institution”.

41 On page 31, line 19, delete “Oregon commercial bank” and insert “insured institution”.

42 In line 21, delete “Oregon commercial bank” and insert “insured institution”.

43 In line 22, delete “Oregon com-”.

44 In line 23, delete “mercial bank” and insert “insured institution”.

45 In line 31, delete “Oregon commercial bank” and insert “insured institution”.

1 In line 32, delete "Oregon commercial bank" and insert "insured institution".
2 In line 33, delete "Oregon commercial bank" and insert "insured institution".
3 In line 34, delete "Oregon commercial bank" and insert "insured institution".
4 In line 35, delete "Oregon commercial bank" and insert "insured institution".
5 On page 36, line 7, delete "shall" and insert "may".
6 In line 11, delete "shall" and insert "may".
7 In line 18, delete "shall" and insert "may".
8 On page 37, line 23, after "institution," insert "any".
9 In line 30, after "\$1," insert "any".
10 On page 41, delete lines 30 through 32 and insert:
11 "**NOTE:** Section 79 was deleted by amendment. Subsequent sections were not renumbered."
12 On page 42, line 37, delete "Oregon".
13 In line 38, restore the bracketed material and delete the boldfaced material and delete "stock
14 bank or" and insert "insured stock institution or the".
15 On page 43, delete lines 43 and 44 and insert:
16 "(a) The name of any banking institution, insured institution, extranational institution that has
17 complied with the provisions of ORS 713.020 or 713.300 or credit union, as defined in ORS 723.008;
18 or".
19 On page 44, line 1, after "trust" insert "currently on file with the Secretary of State".
20 In line 13, delete "deceptively similar to" and insert "not distinguishable from".
21 Delete lines 22 and 23 and insert:
22 "(A) The name of any banking institution, insured institution, extranational institution that has
23 complied with the provisions of ORS 713.020 or 713.300 or credit union, as defined in ORS 723.008;
24 or".
25 On page 45, delete lines 2 through 8.
26 After line 10, insert:
27 "(3) Before an out-of-state bank, extranational institution or foreign association engages in an
28 activity described in subsection (2) of this section, the out-of-state bank, extranational institution
29 or foreign association shall first file with the Department of Consumer and Business Services a no-
30 tice that states that the out-of-state bank, extranational institution or foreign association intends to
31 engage in one or more of the activities described in subsection (2) of this section. The out-of-state
32 bank, extranational institution or foreign association shall pay an initial filing fee of \$200 and an
33 annual fee of \$200. The notice must include the address of the principal place of business of the
34 out-of-state bank, extranational institution or foreign association."
35 On page 49, line 11, delete the first comma and insert "and" and delete ", 708A.275 and
36 711.199".
37 In line 17, after "708A.265," insert "708A.275,".
38 In line 20, delete "709.530,".
39 In line 22, delete the first comma and insert "and" and delete ", 708A.275 and 711.199".
40 In line 30, after "708A.265," insert "708A.275,".
41 In line 33, delete "709.530,".
42 In line 35, delete the first comma and insert "and" and delete ", 708A.275 and 711.199".
43 In line 45, after "708A.265," insert "708A.275,".
44 On page 50, line 4, delete "709.530,".
45