

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, I also favor Senator Beutler's amendment. The bill itself is not that long and there are some key gaps in this bill and I'm analyzing Senator Kristensen's bill, as I have other bills. You notice that we have the term "compliance review committee". We are told what that means. We have a definition of compliance review documents but we don't have a definition of what we're most concerned about and that's compliance review. So without a definition of compliance review, we don't have any limitation on what these documents can relate to. This is the definition of compliance review documents. Compliance review documents means documents prepared for or created by a compliance review committee. And I can answer Senator Landis's question for him. From the definition of compliance review documents, the work product of any individual who has been authorized to do this or any committee, anybody who has prepared documents for the compliance review committee, that work product is confidential. That's what the definition says. You wouldn't give this kind of blanket protection to any business and it's not wise to do it with banks. Banks are dealing with other people's money but we're not just talking about banks. We're talking about any depository institution, anyone, federal or state chartered. And what Senator Beutler's amendment is doing, if you will read it, is to say that information relative to noncompliance with a federal or state law or rule or regulation can be submitted to a judge to determine whether that information ought to be deemed confidential. A judge makes that determination. The in-camera hearing, the private, the secret hearing, allows the interested parties to come together and present their information to the judge. Senator Kristensen said the judge will not understand certain regulations. There are many cases right now that judges have to decide and they don't understand all the information. That is the job of the lawyers. America has an adversarial system of justice, so both sides come and present their information to the judge. There is nothing wrong with Senator Beutler's amendment. The banks should not have this bill at all. This bill should not be enacted, but if it is, the least that can be done is not to give them carte blanche but have a safety net for the benefit of the public and that is to say that this information in question, or dispute, would be submitted to a judge. I think that is very reasonable. And, remember, we have no definition of compliance review. You know what a compliance review committee is. You know what a compliance review document is. You don't know what a compliance review is.