

# HOUSE COMMITTEE ON RULES AND PUBLIC AFFAIRS

August 14, 2003 Hearing Room E  
3:00 PM Tapes 120 - 123

**MEMBERS PRESENT:** Rep. Dan Doyle, Chair  
Rep. Linda Flores, Vice-Chair  
Rep. Laurie Monnes Anderson, Vice Chair  
Rep. Vic Backlund  
Rep. Phil Barnhart  
Rep. Joanne Verger

**MEMBER EXCUSED:** Rep. Betsy L. Close

**STAFF PRESENT:** Cara Filsinger, Administrator  
Sandy Thiele-Cirka, Administrator  
Annetta Mullins, Committee Assistant

**MEASURE/ISSUES HEARD:** HB 2912 – Public Hearing and Work Session  
HB 3666 – Public Hearing and Work Session

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 120, A</b>		
004	Chair Doyle	Calls meeting to order at 3:08 p.m. and recesses meeting until 4:00 p.m.
006	Chair Doyle	Reconvenes the meeting at 4:03 p.m. and announces order agenda items will be considered. Opens a public hearing on HB 3666.
<b><u>HB 3666 – PUBLIC HEARING</u></b>		
018	Steven Kafoury	Representing law firm of Stoll Stoll Berne Lokting & Shlachter LP, and a coalition of people. Testifies in support of HB 3666. Explains that after SB 609 was passed, some members of the Defense Bar thought there were some problems in the bill of unintended consequences that would be unfair to some of their clients. States they have come to an agreement with those involved in securities that is now in HB 3666.
042	Chair Doyle	Asks if Kafoury has seen the August 14 letter from Gary Grenley <b>(EXHIBIT A)</b> .
	Kafoury	Responds he has not.
	Chair Doyle	Asks Kafoury to review the letter <b>(EXHIBIT A)</b> .
053	Kafoury	Comments that they will review the letter. Adds that there are some members of the Claims Bar that are unhappy with the bill. They think the compromise goes too far in a direction they would not like to see. However, the compromise is a consensus of a wide range of folks.
064	Robert Stoll	Stoll Stoll Berne Lokting & Shlachter LP. Introduces Scott Shorr of their firm.
	Joseph Arellano	Kennedy, Watts, Arellano & Ricks LLP. Introduces himself and offers to answer question or summarize their position.
072	Scott Shorr	Stoll Stoll Berne Lokting & Schlachter LP. Summarizes prepared

106	Rep. Barnhart Shorr	statement in support of HB 3666 ( <b>EXHIBIT B</b> ). Asks if Shorr's reference was to Section 4 of HB 3666. Responds that his reference to Section 4 was Section 4 of Enrolled SB 609. States that Section 4 of SB 609 is Section 3 of HB 3666.
115	Rep. Barnhart	Asks what was in Section 7 of SB 609, which is repealed by Section 4 of this bill.
118	Shorr	Responds he believes it is the retroactivity provision. Explains that they are replacing the retroactivity provision of this bill with the retroactivity provision of SB 609. SB 609 had retroactivity for both civil and criminal conduct. HB 3666 is retroactive for civil liability but it is prospective for criminal activity.
128	Rep. Monnes Anderson	Comments that she has talked with the Representative from Lake Oswego who helped her understand this, and that he said that HB 3666 is a compromise and makes good fixes.
142	Rep. Barnhart	Comments he is interested in making sure we have an efficient capital market in Oregon. Asks witnesses to explain what they are trying to do when they remove "offers or" and replace it with "successfully solicit the sale of" and "materially aids" compared to "abets."
158	Joe Arellano	Kennedy, Watts, Arellano & Ricks, LLP. Explains the change from "offers" to "successfully solicits" is to narrow the universe of potentially no-sellers. The reason is to prevent mere offers that do not result in a sale from being actionable. That would be actionable under SB 609 and it would chill capital formation, and chilling communications by small businesses and start-up companies. No one wants to see that happen and they do not believe it was the intent of the original bill. It is a fine tuning.
175	Arellano	Explains that the difference between "participant" and "aider and abettor" is to try to avoid snaring the innocent person into a net of liability where a person had no knowledge of a fraud wrongdoing.
187	Rep. Verger Shorr	Asks if the witnesses were proponents of SB 609. Responds they were private proponents; there were public proponents including the State Treasurer and the Attorney General's office.
195	Rep. Verger Arellano	Asks why they are amending SB 609. Explains that no one is debating the purpose of SB 609. Explains that in the last couple of weeks a broader range of lawyers notice there may be some unintended consequences that were not contemplated; there is no intention to alter the original purpose of SB 609.
224	Chair Doyle	States he is not trying to undo SB 609 but only to try to correct deficiencies that have been found since then. Asks if the original SB 609 removed participant liability, or if it is being removed by HB 3666.
230	Arellano	Explains that participant liability still exists under Oregon law. One part of HB 3666 deals with the anti-fraud provision of the Oregon Securities statute. That section deals with anti-fraud as opposed to simple misstatements that do not have that level of culpability. Participant liability is not being tinkered with in this legislation.
243	Chair Doyle Arellano	Ask if this causes a change in strict liability for sellers. Responds he does not believe that is done in this compromise

		legislation; if anything it has been broadened to include not only sellers, which the prior law did, but to people who actively or successfully solicit the sale. That is in the amendment to ORS 59.115 and 59.127. It broadens the remedies and the types of claims that can be brought, but within reason.
259	Chair Doyle	Comments that it has been suggested this amendment will add a limitation on recovery for violations of ORS 59.135 that is not present anywhere in the Securities Act. The question brought up was what the phrase “caused by the violation” means.
	Arellano	Responds that like participant liability, recessionary damages are still available under the Oregon Securities Law in ORS 59.115 and 59.127. The only thing HB 3666 changes is that it requires a fraud on the market. That is the language in ORS 59.135.
287	Andrew Morrow	Foster, Pepper &Tooze LLP. Testifies in support of the bill as written. States their usual mechanism in the Bar did not communicate as widely as they would have liked. States HB 3666 is a part of the compromise. Comments he would be happy to respond to the issues in the Grenley letter ( <b>EXHIBIT A</b> ).
307	Chair Doyle Morrow	Asks if Morrow has identified other issues. Comments that ORS 59.135 is the source of the fraud on the market liability, and that there have been court decisions that have questioned whether there is any civil right of action. SB 609 clearly makes civil liability for that and this bill is responding to more precision with respect to that. States that SB 609 has not gone into law, and won’t until January 1. Because they are doing this now, by the time the law goes into effect, it will be a combination of the two bills.
332	Dave Nelson	Oregon Association of Insurance and Financial Advisers. States that he has three issues that he would like to raise, believes they support the bill, and HB 3666 is a clarification of a bill that has gone through the process. The first question is the term “security” on page 1, line 9. They want it understood that since it is not defined in the bill that the term “security” does not include annuities or other insurance products.
347 350	Chair Doyle Nelson	Responds that it is his understanding that it does not. States that Section 3, the creation of the affirmative defense for the seller of the security, is not clear. Asks if this creates a responsibility on the part of the securities dealer, the agent, to do supplemental research beyond that given to him by his brokerage house or the major player in the distribution of the security to get to the point where he has an affirmative defense. States that he has been told this is an area of grey that will probably be defined by the courts, and there may not be an accurate answer to it. States that leaves his clients in a relatively loose area of not knowing when they should go forward and try to do supplemental research to see if what they are being told from above is what is actually occurring.
376	Nelson	States that their third issue is the bolding of “jointly and severally” in line 18 on page 4 of HB 3666. States he is told that is a restatement of already existing jointly and several liability and not creation of a new responsibility for the independent individual securities dealer.
383	Chair Doyle	States that is his understanding as well.
389	Chair Doyle	Asks if Nelson has alternative language on affirmative defense

389	Nelson	that would assist his clients. States he does not have suggested alternative language. Adds that he has been advised by lawyers that there is not a clear answer. States that if the agent follows the research presented by the brokerage company and does not deviate from that by introducing supplemental statements regarding the viability of a security, then it could be a defense. A prospective analysis differs from a retrospective analysis.
414	Jim Craven	American Electronics Association. Comments that their association became involved due to concerns expressed by some of their firms and lawyers and other who help do structuring, particularly of start-up firms, about some of the possible issues that would be involved, particularly in the word "offers". Part of the concern of top lawyers in Portland who have helped found many of their member companies is the level of due diligence on his part with an embryonic company to ensure that his backside was covered could exceed the ability of the start-up company to afford. He would have a hard time talking to people based on the amount of diligence that he might have to assume given the enhanced liability of the change, which could impede in a very significant way his ability to work with new companies and help start-ups get on their feet.
446	Craven	Thanks the committee for introducing the bill and having the hearing so quickly, and for the help of the State Bar. States that they have been in contact with the Governor's office and the State Treasurer and believe they understand we need to fix this.
<b>TAPE 121, A</b>		
004	Michael Esler	Esler, Stephens & Buckley. Testifies in opposition to HB 3666 <b>(EXHIBIT C)</b> .
097	Chair Doyle Esler	Asks if the "participant" concern by Esler is in SB 609. Replies that it is in SB 609.
100	Chair Doyle Esler	Asks what the standard is and who benefits from the change. Responds that it would be the professionals involved in transactions that involve after-market securities sale and initial offerings. They are the people who are paid to take the risk and can afford to do it and pass the cost on, ultimately to the investors.
122	Chair Doyle	Comments that Esler would argue that the consumer benefits more as opposed to professionals.
126	Rep. Barnhart	Asks if Esler is referring to Section 3, which amends Section 4 of chapter 631 on page 4, lines 8-14 (SB 609). Asks if affirmative defense exists in chapter 631.
134	Esler	Responds that it existed in the original Act and he understands this section would fit into ORS 59.115 as a new subsection. The participant would then have had the defense that was available in ORS 59.115(3) and 59.127(3). That part does not change the way the Act would work.
	Barnhart	Asks if Esler's concern is with the change from "participants or materially aids" to "aids and abets." Asks Esler to explain his concern about the word "abets."
147	Esler	Comments on court cases discussing "participant" and "aider and abettor." Adds that torts defines aider and abettor. It involves a person who helps someone else commit a tort. Explains there is

one of three elements that must be necessary. One of those elements is knowledge, another is achieving a common goal, where a person commits a tort and a second person commits a tort and the two work together. In each case it involves something other than simply doing a meaningful contribution.

178 Rep. Verger Asks if Esler was involved in the original bill and the compromise.

Esler Responds that he was not involved in the original bill and became aware of the compromise yesterday. States he would not have opposed SB 609.

192 Esler Comments on his concern relating to “lost causation” (**EXHIBIT C, page 3**).

246 Rep. Barnhart Asks if Esler would be happy if the language “participates or materially” and “sustain” were left alone.

Esler Responds he does not like the language “caused by the violation.”

261 Chair Doyle Advises members that if they wish, they may ask for responses from proponents to Esler’s concerns, and take more time to research the bill.

266 Rep. Barnhart Responds that he would like to hear the response from the proponents.

272 Robert Stoll Explains that HB 3666 is a compromise bill. There are some things they may not be as happy as possible with but at the same time some of the Defense Bar did not get what they wanted and they made a deal and the proponents stand by the deal.

295 Rep. Monnes Asks if they can come to agreement with Esler on the points he raised.

Anderson States he believes he and Esler could agree and does not think some of the concerns are as serious a problem as Esler indicates.

Stoll Some of the issues are unknown; the aider and abettor issue is unknown.

317 Stoll Reviews the issues that SB 609 was intended to accomplish.

360 Stoll States that “participants” still exists; there is no difference. There is an ambiguity as to what is meant by “aiders and abettors.” The “lost causation” issue is in federal law when used in fraud-in-market cases; it is consistent. States that he doesn’t know if there is any difference by changing “sustained” to “caused by the violation.” Adds that he went along with the change because Arellano wanted it and they made a deal.

400 Arellano Comments they are not talking about restricting or cutting back the Oregon Securities Law in any respect. All the remedies that existed before last week under the Oregon Securities Law will exist today, tomorrow and into the future. They are trying to clarify the unintended broad scope SB 609 provided. Believes there will be more remedies because new private rights of action are created under ORS 59.135.

444 Stoll Comments that he did believe that the words aider and abettor means that the plaintiff has to prove knowledge of the aider and abettor. The burden of proof is on the defendant to prove that they acted reasonably and it is not limited to just misrepresentations or omissions of fact.

480 Rep. Barnhart Comments that if the committee adopts Esler’s interpretation of “aider and abettor” the language in lines 12-14 would not be necessary.

**TAPE 120, B**

015	Rep. Barnhart	Comments that a witness indicated that we are simply talking about one section of the Securities Law and we are adding a piece that has to do with fraud on the market. Asks if that describes the sections in the bill that are being modified, or is there something beyond that.
027	Stoll	Responds that the only thing being modified is the aider and abettor language. The lost causation language is the new section added by SB 609 and does not change the pre-SB 609 liability law.
046	Rep. Barnhart	Asks if SB 609 deals with the fraud-on-the-market issue.
050	Stoll	Responds affirmatively. Gives example of fraud and liability.
067	Chair Doyle	Comments he believes the bill has been adequately explained and this is a compromise position that has support from both sides of the issue.
085	Rep. Barnhart	Comments that the bill does not affect the existing liabilities; we are only talking about establishing a new cause of action in SB 609.
089	Chair Doyle	Closes the public hearing and opens a work session on HB 3666.
<b><u>HB 3666 – WORK SESSION</u></b>		
091	Rep. Flores	<b>MOTION: Moves HB 3666 to the floor with a DO PASS recommendation.</b>
093		<b>VOTE: 6-0-1</b>
		<b>AYE: In a roll call vote, all members present vote Aye.</b>
		<b>EXCUSED: 1 - Rep. Close</b>
	Chair Doyle	<b>The motion CARRIES.</b>
		<b>REP. DOYLE will lead discussion on the floor.</b>
098	Chair Doyle	Closes the work session on HB 3666 and opens a public hearing on HB 2912 A.
<b><u>HB 2912 A – PUBLIC HEARING</u></b>		
111	Jon Chandler	Oregon Building Industry Association. Testifies in support of HB 2912 A ( <b>EXHIBIT D</b> ) with the HB 2912-A9 amendments ( <b>EXHIBIT E</b> ).
	Chandler	Notes that the committee also has received the HB 2912-A10 amendments ( <b>EXHIBIT F</b> ).
165	Chandler	Comments on make-up of the task force and states that if he were to be asked to serve on the task force, he would refuse to do so.
		Does not believe advocates should be on the task force.
198	Chandler	Acknowledges that the bill will cost money. Suggests HB 2912-A be sent to the Committee on Ways and Means. If there is not adequate funding, he will ask that the bill die.
216	Rep. Barnhart	Agrees it is time for a review to see where we are. Believes that is what this bill with the HB 2912-A9 amendments does.
	Chandler	Agrees. Comments on naming of the study group.
225	Rep. Barnhart	Asks when the group reports.
	Chandler	Explains the two reporting dates.
243	Rep. Verger	Comments she is not sure Chandler envisions what the task force would do. The problem is it is much like a person's reputation precedes them. Comments on land use on the coast that has devastated families and it is hard for the people to face the reasons. That is a hill that has to be climbed; it is very serious, and thinks it will be good. States she is relieved the task force

284	Chandler	will look at rural Oregon. Agrees this will be a hot issue in rural Oregon, as well as in the cities.
	Rep. Verger	States she agrees and believes the timing is good. Advises it is important that they have the right people at the table and that they be willing to compromise.
334	Rep. Monnes Anderson	Comments she thinks LCDC's mission should include these ideas and asks if their mission includes such things.
	Chandler	Comments that LCDC's job has been to manage the program.
409	Rep. Barnhart	Comments that opinions have become very acute in the last six to seven years and taking another look in a public way may help us understand where we want Oregon to go and head off simple-minded reactions that can cause a lot of trouble.
	Chandler	Agrees.
434	Chair Doyle	Comments that the original bill suggested a different membership. Asks what Chandler's view is on leaving the positions open to allow the appointing authorities to make the appointments.
	Chandler	Comments on development of the original bill and considerations they gave in make up of the membership.
<b>TAPE 121, B</b>		
030	Rep. Flores	Asks if they have had discussions with the Governor's office about what the membership should look like.
	Chandler	Comments he did talk to the Governor's staff.
042	Dave Hunnicutt	Oregonians in Action. Testifies in support of HB 2912 A. Presents the HB 2912-A10 amendments ( <b>EXHIBIT F</b> ) and explains that the amendments are to ensure there is a bi-partisan method of picking the people for the task force. Gives example of membership of the Independent Multidisciplinary Science Team being appointed by the Governor, President of the Senate, and Speaker of the House of Representatives. Suggests that changes to be made in the HB 2912-A10 amendments to conform to the HB 2912-A9 amendments.
076	Rep. Barnhart	Asks if they can have members who do not have a position and whether the criteria can be met.
083	Hunnicutt	Responds that he believes both criteria can be met. Agrees the people here should not be on the group, but cautions that having someone with no experience will cause the group to spend the entire time educating themselves and not have time to come up with solutions. Believes there are people who are not biased either way.
	Chair Doyle	Asks if the HB 2912-A9 amendments are okay except for the makeup.
	Hunnicutt	Responds affirmatively.
101	Steven Kafoury	American Planning Association, Oregon Chapter. Testifies in support of HB 2912 A ( <b>EXHIBIT G</b> ). States they like the HB 2912-A9 amendments and can live with the HB 2912-A10 amendments. Can see no reason why it would not work. Suggests amendment to make the two amendments compatible.
153	Harlan Levy	Oregon Association of Realtors. Testifies in support of HB 2912-A and suggests there be someone from the real estate industry be on the task force. States they prefer the original bill and hopes the membership is diverse by people and geographic location.

178	Rep. Verger Levy	Comments that a group of special interest representatives would cause a loss of those they should try to work with. Responds they would like to see more focus of the groups involved because land use is very technical.
199	Linda Ludwick	Association of Oregon Counties (AOC). Testifies in support of HB 2912 A with the HB 2912-A9 amendments and speaks to the makeup of the task force. States she does not see state or local governments as interest groups. Suggests there be representatives of the cities and counties on the task force.
236	Art Schlack	League of Oregon Cities. Testifies in support of HB 2912-A and the HB 2912-A9 amendments except for the membership provisions. Echoes testimony by Ludwick. It is important that elected representatives of cities and counties be involved. Comments that the only way to make sure of the membership is to identify them.
285	Rep. Verger Schlack	Asks if they would suggest a county commissioner be appointed. Responds it could be a county commissioner or a county judge.
297	Rep. Verger Schlack	Suggests if the county commissioner were to be from Eastern Oregon, the Coast would feel like they were not represented. Comments that he would hope the person representing the counties would look at the counties on the basis of statewide implications.
310	Rep. Verger Ludwick	Asks who would represent the cities. Comments she believes the better question would be whether it would be better to have a local government official, or a non-local government official. The local government official might only be representing the jurisdiction or region that person is familiar with. States they would be better off to have a local government representative on the task force than not have that representation.
326	Rep. Verger	Comments she would like to see something different in the makeup of the task force.
344	Bob Stacey Stacey	Executive Director, 1000 Friends of Oregon. Testifies in support of HB 2912 A and the HB 2912-A9 amendments. Believes this will do a great deal toward allowing Oregonians to engage in the kind of conversation about the future of their state. Pledges not to serve if his name is offered. Suggests adequate funding, but does not know the magic number. Unless there is sufficient funding, there is no reason to do this. Comments that the appointing authorities should pick the best possible Oregonians to serve on the task force.
403	Rep. Flores Stacey	Asks if there is a possibility that a consortium of organizations could help fund the study. Comments there may be private sector or foundation resources available and he also has funds but cannot be optimistic about the capacity of the philanthropic world in the current economic climate to aide state government. Suggests a significant undertaking by the State of Oregon could result in contributions from foundations or others interested in this kind of work.
427	Chair Doyle	Notes language in the HB 2912-A9 amendment that allows the receipt of other moneys.
435	Chair Doyle	Asks what Stacey sees different now with the task force than his position in an email he previously sent.



459	Stacey	Comments on make up of the task force, adequate funding, and sufficient time to do the job right.
<b>TAPE 122, A</b>		
005	Nan Evans	Acting Director, Department of Land Conservation and Development. Supports comments by Chandler and Stacey. Advises that the department and LCDC support HB 2912-A and the HB 2912-A9 amendments. States the study is big and risk prone but is a conversation we have to have. The commission and department feel the issues identified in the HB 2912-A9 amendments are the right ones. They believe it is worth doing well by having adequate funding, staff, thoughtful big thinkers, public involvement, public opinion research, and public education.
052	Rep. Barnhart Evans	Asks if 3 1/2 years is enough time. Responds she thinks it is a pragmatic choice. Believes that everyone knew two years was not enough and six years seemed interminable.
053	Dave Vanthof	Natural Resource Policy Advisor to Governor Kulongoski. States the Governor strongly supports the HB 2912-A9 amendments and the concepts. Funding is absolute key whether this can succeed. They strongly support the bill with adequate funding and have strong concerns without adequate funding.
088	Vanthof	Comments on ability of Governor to appointment members, and in support of the HB 2912-A9 amendments. Believes the task force could be assembled more quickly without the HB 2912-A10 amendments.
119	Chair Doyle Vanthof	Asks what the Governor's position is on cities and counties having a representative on the task force. Agrees there should be city and county representatives and the Governor's office will work with the cities and counties to make sure their interests are adequately represented.
138	Chair Doyle Vanthof	Comments that it is also important to have geographic diversity. Agrees.
160	Chair Doyle Vanthof	Comments on testimony that the governor may have to bargain away interest groups. Responds that he is not suggesting that is what would happen.
175	Chair Doyle	Comments on the make up of the task force and asks if one member from the Senate and one from the House would be able to achieve the objective as well as having the presiding officers serve as members. Adds that a Governor's task force would be different than one that has a buy-in by both presiding officers.
185	Vanthof	Comments it is essential that there be buy in from both presiding officers. Believes the concept of the bill has support throughout the legislature and the leadership of the Governor's office and the legislature.
198	Rep. Verger	Asks if they have thought of a process where people from throughout the state could submit names.
218	Vanthof	Agrees it is important to solicit input from across the state.
201	Rep. Barnhart Vanthof	Asks if the same process could be used under the HB 2912-A10 amendments. Responds affirmatively.
228	Rep. Flores	Asks if the membership were not prescribed, what would preclude the possibility of the representative from LCDC, and a

		representative from cities and counties, partnering but not being a part of the assigned members.
	Vanthof	Responds he does not think anything would preclude that. Believes the HB 2912-A10 amendments look for LCDC to be playing a supporting role. That may be appropriate for other groups as well.
246	Rep. Flores	Expresses concern about appointments under the HB 2912-A9 amendments that three of the eight appointments would be government representatives.
259	Vanthof	Responds he cannot think how that would work structurally, but it could be expanded to include the groups involved. Comments on keeping the membership at a manageable level.
281	Rep. Verger	Cautions that the Governor's office should think through the appointments.
298	Rep. Barnhart	Agrees with Rep. Verger about perception. Comments on the HB 2912-A10 amendments providing flexibility.
343	Rep. Monnes Anderson	Asks what the thinking process was for including a member of LCDC in the HB 2912-A9 amendments.
355	Vanthof	Responds that he does not recall why they made the decision. Suggests the committee ask Bob Rindy the same question.
371	Bob Rindy	Department of Land Conservation and Development. Responds that he does not remember any detailed discussion of why a LCDC member is on the task force.
384	Chandler	Responds that he pushed for the LCDC representative so that it does not look like a coup. Comments on contributions of LCDC to the task force. States he thought this one position was important enough and should be left in the bill.
413	Chair Doyle	Comments he is inclined to combine the two amendments.
305	Rep. Monnes Anderson	Comments she can see problems with the HB 2912-A10 amendments. Comments on partisanship of the appointing authorities.
450	Rep. Verger	Comments she has concerns about the makeup of the task force in general, and that she has no problem combining the two amendments.

**TAPE 123, A**

022	Rep. Backlund	Comments that the provision in the HB 2912-A10 amendments give him comfort; the key will be the makeup of the group. Adds that he can accept either of the two amendments.
047	Rep. Monnes Anderson	Cautions that if one of the appointing authorities refuses to accept a person it will slow the process.
053	Rep. Barnhart	Comments on possible fate of the measure throughout the process.
091	Chair Doyle	Closes the public hearing and opens a work session on HB 2912 A.

**HB 2912 A – WORK SESSION**

<b>094</b>	<b>Rep. Doyle</b>	<b>MOTION: Moves to SUSPEND the rules for the purpose of conceptually amending the HB 2912-A9 amendments.</b>
<b>096</b>	<b>Chair Doyle</b>	<b>VOTE: 6-0-1 EXCUSED: 1 - Rep. Close Hearing no objection, declares the motion CARRIED.</b>
<b>098</b>	<b>Rep. Doyle</b>	<b>MOTION: Moves to AMEND HB 2912-A9 amendments by</b>

**deleting the last three words on page 1 in line 6 and deleting on page 1 lines 7 through 12, and inserting language from the HB 2912-A10 amendments beginning at “who” in line 4 and through line 8.**

- 113 Rep. Monnes  
Anderson Comments that the amendment would mean the people on the task force could not be someone like herself because she is not knowledgeable about Oregon’s land use system. Ask who would define the criteria, and states that the language limits who can serve on the task force.
- 123 Rep. Barnhart Comments that he had the same concern then realized that the appointing authorities will figure out who is knowledgeable and familiar.
- 130 Chair Doyle States he agrees with Rep. Barnhart.
- 133 Rep. Barnhart Comments he thinks that “knowledgeable and familiar” are pious words rather than directional.
- 150 Chair Doyle Comments that it is a matter of degrees and it will be subject to interpretation.
- 150 Rep. Verger Comments there are people in her district that are very knowledgeable about land use. On the other hand, perhaps someone that is a third generation fisherman of a family on the South Coast is very knowledgeable and has been impacted might be an excellent representative on the task force.
- 160  
**VOTE: 5-1-1**  
**AYE: 5 - Backlund, Barnhart, Flores, Verger, Doyle**  
**NAY: 1 - Monnes Anderson**  
**EXCUSED: 1 - Close**  
Chair Doyle **The motion CARRIES.**
- 168 Rep. Flores **MOTION: Moves to ADOPT HB 2912-A9 amendments dated 8/4/03 AS CONCEPTUALLY AMENDED.**
- 170  
**VOTE: 6-0-1**  
**EXCUSED: 1 - Rep. Close**  
Chair Doyle **Hearing no objection, declares the motion CARRIED.**
- 173 Rep. Flores **MOTION: Moves HB 2912 A to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the Committee on Ways and Means.**
- 197 Chair Doyle Comments on having served on the Environment and Land Use Committee and hearing concerns about local land use planning issues because the statutes are not adequately covering the needs and desires of Oregon’s citizens, while not giving the local governments the right tools to make these decisions. Comments on the need for the review, adequate funding, and appointment process.
- 239  
**VOTE: 6-0-1**  
**AYE: In a roll call vote, all members present vote Aye.**  
**EXCUSED: 1 - Rep. Close**  
Chair Doyle **The motion CARRIES.**
- 237 Chair Doyle Closes the work session on HB 2912 A and adjourns meeting at 6:44 p.m.

## **EXHIBIT SUMMARY**

- A – HB 3666, letter, Gary Grenley, 3 pp**
- B – HB 3666, prepared statement, Scott Shorr, 2 pp**
- C – HB 3666, prepared statement, Michael Esler, 4 pp**
- D – HB 28912, prepared statement, Jon Chandler, 1 p**
- E – HB 2912, HB 2912-A9 amendments, Jon Chandler, 4 pp**
- F – HB 2912, HB 2912-A10 amendments, Dave Hunnicutt, 1 p**
- G – HB 2912, prepared statement, Steve Kafoury, 1 p**