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VIA EMAIL

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Re: Additional Testimony Regarding HB3865A

Dear Chair Prozanski, Vice Chair Thatcher, and Members of the Oregon Senate Committee on Judiciary,

Thank you for the opportunity to virtually testify before the Committee during the public hearing on Thursday, April 24, 2025, regarding HB 3865A. At the beginning of my oral testimony, I noted that I disagreed with several parts of the testimony provided by Ms. Wu in her capacity as a representative of the Oregon Department of Justice. Per the request of Chair Prozanski, I write today to elucidate respectfully those points of disagreement for the record. For convenience, an informal transcript of Ms. Wu's testimony and dialogue with the Committee Members is attached hereto as Exhibit A.

Response to Vice Chair Thatcher's First Question:

In response to Vice Chair Thatcher's question regarding how a regulated business could determine the person's location to apply the proposed quiet hours, Ms. Wu stated: "So far the prevailing interpretation is that um relying on the uh consumer's area code is a reasonable thing for a business to do in order to be in compliance with a text solicitation or autodialer statute."

I want to stress that there is no such prevailing opinion and the language of HB 3865A does not incorporate a provision that would protect businesses that rely on the area code. In fact, a petition

filed by the Ecommerce Innovation Alliance raised this specific issue with the Federal Communications Commission (FCC).¹ On March 11, 2025, the FCC invited public comment on the petition, with comments being due on April 10, 2025 and reply comments due yesterday, April 25, 2025.² Therefore, the FCC is currently considering this exact question, having previously failed to address how quiet hours can be applied in the mobile context. As the EIA Petition makes clear, there has been a great deal of frivolous litigation filed in the past several months seeking to exploit the FCC’s quiet hours provision against businesses that have obtained prior express consent, many of which have relied upon the phone number’s area code to attempt to avoid disturbing customers at inconvenient times.

For these reasons, I was particularly troubled that the Oregon Department of Justice would represent to the committee that there was “consensus” that businesses could safely rely on the area code to apply quiet hours provisions. This is inaccurate. If HB 386A is adopted in its present form, this is precisely the type of issue that serial plaintiffs would exploit, costing law-abiding businesses hundreds of thousands of dollars in legal fees to litigate the question. If the DOJ is now proposing to allow businesses to rely on the area code to apply quiet hours then it is necessary for that to be expressly written into ORS 646.563(2) and ORS 646A.372(5).

Response to Vice Chair Thatcher’s Second Question:

Vice Chair Thatcher asked Ms. Wu if the bill extended to situations in which a person has agreed to accept text messages from a business and they could “easily just say stop” to no longer receive messages. Ms. Wu’s response appears to evade the direct question by discussing what it means to “initiate” a solicitation and the fact that are some carveouts under the autodialer statute. Ms. Wu offers what she believed to be a “reasonable reading” of the statute when a consumer initiates a inquire but, with all due respect, this testimony highlights the ambiguity and woeful lack of clarity in the actual text of the bill.

Let me be clear: HB 3865A is such an outlier from federal law and the mini-TCPA bills adopted in other states precisely because it does not clearly and expressly recognize “prior express consent” as an exclusion. By way of example, if you look at the Section 1 of the bill, the proposed text for ORS 646.561(3)(b) provides the exclusions for the telephone solicitation law. You were see there that it does not exempt either companies with an established business relationship or with prior express consent for the regulations. In ORS 646A.372, which is part of the autodialer law, the exclusions there often recognize an established business relationship, while failing to recognize prior express consent. It is important to appreciate that established business relationship and prior express consent are distinct under established federal law and under existing Oregon law. The established business relationship requires there to have been a previous transaction; prior express consent, on the other hand, applies when individuals ask to receive messages without regard to whether they have already completed a purchase. For many,

¹ *In re: Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Petition for Declaratory Ruling and/or Waiver of the Ecommerce Innovation Alliance and Other Petitioners, CG Docket Nos. 02-278 and 21-402, *available at*: <https://www.fcc.gov/ecfs/document/1030382368996/1>.

² *See* Public Notice: Consumer and Governmental Affairs Bureau Seeks Comment on Petition for Declaratory Ruling and/or Waiver of the Ecommerce Innovation Alliance and Other Petitioners, CG Docket Nos. 02-278, 21-402 (Mar. 11, 2025, *available at*: <https://docs.fcc.gov/public/attachments/DA-25-216A1.pdf>

consumers give prior express consent precisely because they have not yet made a purchase and are asking to receive discounts or special promotions.

Accordingly, HB 3865A absolutely would impose new burdensome regulations regarding quiet hours and limitations on the numbers of messages on companies who gain prior express consent and send messages only to consumers who have expressly sought them. This is precisely why I and so many others are opposed to the bill presented by Representative Sosa and passed by the Oregon House.

Finally, I would offer this observation: when a lawyer resorts to offering up their own “reasonable read” on the bill, it should be an immediate red flag for this Committee when dealing with telecommunications policy. This should be an immediate warning flag that the bill lacks the clarity that is needed for businesses to **know** what the law is so that they can comply with it. As I noted above, these types of ambiguities are precisely what serial plaintiffs would exploit.

Response to Senator McLane’s Initial Question:

Senator McLane offered the hypothetical of purchasing a blender, registering that product, and expressly agreeing to receive SMS messages from the company. In Ms. Wu’s response, she indicated that the autodialer provision would not apply because of the prior business relationship exclusion. I agree with this while noting, as I did above, that ORS 646A.372 recognizes a prior business relationship, but fails to recognize prior express consent. Therefore, the fact Sen. McLane consented is oddly irrelevant in the context of the autodialer provision, which again places it at odds with federal law.

Further, Ms. Wu stated that the messages would not be a telephone solicitation if the communication was limited to communicating about the existing blender. This is also true, but consider the implications. It means that the company could not respond to inquiries related to things such as: blender replacement parts or repairs, if there is a cost to the consumer (because it would be a potential “sale”) and also could not communicate about a new model of blender, without having to worry about quiet hours and the 3-message limitation. The Committee Members can imagine how drawing these lines is very difficult when a series of text exchanges might start with trying to trouble shoot a problem with the blender to then needing to explain how a consumer can obtain repairs or replacements for the blender. Things can get dicey pretty quickly. (All puns intended.) Again, the bill could avoid all of these complicated legal questions by simply incorporating prior express consent as a recognized exception.

Response to Senator Broadman’s Initial Question:

Senator Broadman asked to understand what the gap is between what HB 3865A would regulate and what federal law currently regulates. Here again, I find that Ms. Wu’s response avoids the question. First, let me respond to various things Ms. Wu said and then directly answer the question.

1. **Florida:** Ms. Wu referred to Florida as an example of a state that modified its law following a 2021 Supreme Court decision. It is true that following the Supreme Court’s decision in *Facebook v. Duguid*, 592 U.S. 395, which was a case related to the definition

and function of auto dialers under the Telephone Consumer Protection Act of 1991 to send unsolicited text messages, Florida modified provisions of its state law. HB 3865A has nothing to do with the definition of auto dialer, so it is not clear why the Supreme Court case or the Florida law was relevant to Senator Broadman's question.

Nevertheless, with regard to Florida, several things are worth noting:

- The amendments made in 2021 created a private right of action for portions of their telemarketing law for the first time. This created such a surge in frivolous litigation that Florida's legislature came back and significantly narrowed the application of the private right of action in 2023. See Ashley P. Hayes and Michael G. Polatsek, *Putting Pandora Back in the Box: The Florida Telephone Solicitation Act*, Florida Bar Journal, Vol. 98, No. 5 (Sept./Oct. 2024), available at: <https://www.floridabar.org/the-florida-bar-journal/putting-pandora-back-in-the-box-the-florida-telephone-solicitation-act/>. Specifically, under the current law, no person may initiate litigation for text messages unless, and until, they have responded STOP to revoke their consent and nevertheless continue to receive such messages. See Fla. Stat. 501.059(10)(c):

(c) Before the commencement of any action for damages under this section for text message solicitations, the called party must notify the telephone solicitor that the called party does not wish to receive text messages from the telephone solicitor by replying "STOP" to the number from which the called party received text messages from the telephone solicitor. Within 15 days after receipt of such notice, the telephone solicitor shall cease sending text message solicitations to the called party and may not send text messages to the called party thereafter, except that the telephone solicitor may send the called party a text message to confirm receipt of the notice. The called party may bring an action under this section only if the called party does not consent to receive text messages from the telephone solicitor and the telephone solicitor continues to send text messages to the called party 15 days after the called party provided notice to the telephone solicitor to cease such text messages.

As Chairman Prozanski's comments suggested, Oregon may want to consider incorporating a similar provision into its law.

- Florida's quiet hours provision comports with the federal quiet hours. See Fla. Stat. § 501.616(6). It is also in a section that is enforceable by the Florida Department of Agriculture and Consumer Services, but not subject to a private right of action. See Fla. Stat. § 501.618 – 501.619.
2. **Arizona:** Ms. Wu referred to an Arizona law as an example of a state regulating text messages in the same way as HB 3865A. I believe that Ms. Wu is referring to Arizona House Bill 2498 (<https://www.azleg.gov/legtext/56leg/1R/laws/0041.pdf>). That law is materially different from HB 3865A, however, because it is limited to extending the do not call requirements to text messages. It does not impose disparate quiet hour times or

limitations on the number of messages that can be sent in a 24-hour period. Further, the law is materially different because, while it does add text messaging to existing Arizona law, that law already provided that “this section does not apply to any telephone solicitation that would be authorized or permitted by federal law.” Therefore, AZ HB 2498 incorporates by reference the prior express consent exclusion found in federal law, while the sponsor of HB 3865A has so far rejected requests to include it.

3. **RCS:** Finally, Ms. Wu referenced RCS and, in that context, referred to a case from 11th Circuit, which struck down new rules that were recently adopted by the FCC. The implication of Ms. Wu’s testimony was that, absent the 11th Circuit decision, RCS would be subject to the federal TCPA. This is erroneous, however. The FCC has never attempted to apply the TCPA to RCS. In fact, Congress and the FCC both have said exactly the opposite.

On January 24, 2025, in *Insurance Marketing Coalition Limited v. FCC*, the United States Court of Appeals for the Eleventh Circuit has struck down key components of a 2023 Federal Communications Commission’s (FCC) Order, including the controversial “one-to-one consent” rule governing robocalls and robotexts. Available at:

<https://law.justia.com/cases/federal/appellate-courts/ca11/24-10277/24-10277-2025-01-24.html> This order has nothing to do with RCS.

To address Senator Broadman’s question directly, HB 3865A would deviate from federal law in at least the following ways:

- Apply earlier quiet hours (7 PM), even to messages sent with prior express consent.
- Impose a limitation on the number of text messages a company could send in 24 hours, even with prior express consent.
- Regulate RCS.
- Impose disclosure requirements that were designed for voice calls on SMS messages.

Senator Broadman’s Second Question:

Senator Broadman’s second question was whether the restrictions imposed on businesses would apply to political campaigns soliciting votes or donations and noting his view that the restrictions should apply equally. While I express no view on the question of whether the current or proposed law would apply to political campaigns, I do note that unwanted political calls and texts seems to represent a significant concern for many people – probably far more than receiving texts from companies who they have asked to message them. According to a report by RoboKiller (available at: <https://www.robokiller.com/reports/robokiller-2022-political-message-report>):

- 15 billion political texts received by Americans in 2022, representing a 158% increase in political texts from 2021.
- 384 million political calls received by Americans in 2022, meaning that Americans received approximately 39 texts for every political call in 2022.

- According to an August 2024 filing by AT&T with the FCC, available at: <https://www.fcc.gov/ecfs/document/1081456031005/1>

As AT&T views the landscape and, based on both internal and external data, political texting is the overwhelming source of consumer SMS / MMS angst.

AT&T's internal data clearly shows that political texts are the #1 consumer complaint for our customers; the political texting unwanted messaging numbers are stark. For example, in April 2024, the #1, #2, #4, #6 and #7 most consumer complaints originated from just one Presidential candidate, and the top eleven 10DLC phone numbers – and 74 of the top 100 telephone numbers - reported by AT&T's own customers belonged to political texting campaign. For AT&T's 10DLC messaging campaigns, political messaging currently comprises ~7% of AT&T's messaging traffic yet that 7% of messages comprised ~60% of customer 10DLC complaints, an overindexing of almost 10x. The numbers of political messages are rapidly accelerating and the percentage of customer complaints are expected to increase this Fall.

As CTIA noted in a recent poll, 80% of Americans say politicians should follow the rules and honor consumer opt-in before inundating consumer mobile devices with unwanted messages; the number of frustrated Americans in 2024 has increased from 68% in 2020 to the current 80% in 2024. In addition, this is a bipartisan area of consensus as 90% of Democrats and 85% of Republicans believe political campaigns should be required to obtain consumer consent before sending political messages.

I hope these additional comments will help provide greater clarity for the Committee as it considers next steps on the bill. Thank you for your continued attention to this important matter.

Sincerely,



Michael O'Rielly
Former Commissioner
Federal Communications Commission

EXHIBIT A

Informal Transcript of Testimony of Leslie Wu, Oregon Department of Justice, Regarding HB 3865A April 24, 2025

Leslie Wu: Sounds good. Thank you, Chair Prozanski, Vice Chair Thatcher, and members of the committee. My name is Leslie Wu. I'm the policy adviser to Attorney General Dan Rayfield, testifying uh in support of House Bill 3865 on behalf of the Oregon Department of Justice today. Um I submitted written testimony in the first chamber and that's available on OLAS. Uh it goes a little bit more into depth um on on on the technical background for this uh concept. Um, and it also notes that there really has been a surge in the use of scam texts and spam texts. In 2024, the FCC received 24,000 consumer complaints about unwanted text messages. Generally, uh, our consumer hotline has received complaints about unwanted text messages. Uh, and Oregon's existing statutes, which are a little funky, um, they're divided into a phone solicitations statutory section and an autodialers statutory section, neither of which currently incorporate text messages in their language. Um, some other states have incorporated text messages into their statutes, including Arizona and Maryland. Um, it's been a a somewhat bipartisan issue across the US, although states have taken different approaches to incorporating them. Um, but I do want to touch a little bit on um some more technical detail behind the solicitation statute we have in Oregon and the auto dialer statute because um they're within sort of the boundaries of the UTPA and it's a very unique statute that has a lot of um Oregon specific features to it. Um so I'll just note first and foremost on the question of private right of action um the bill uh does not make any changes to the existing private right of action in the phone solicitations portion of Oregon statutes. That already is there and it doesn't disturb that. So, there is a private right of action for phone solicitation violations in Oregon. There is no private right of action for the autodialer um portion of the statute. And just in case folks don't know what an autodialer is, it's a um there are technical definitions, but basically it's when a person uses a robot to send pre-recorded text messages or calls. That is what an autodialer is. Um a phone solicitation is defined in the statute. Um it has a specific meaning Um and uh of note, the phone solicitations and autodialer statutes um both incorporate the UTPA definition for a person. So the only folks subject to the UTPA are persons acting in the course of their business, vocation, or occupation. The intent of the UTPA scope is not to include uh individual consumers as folks who could be sued, for example, in a private right of action for um violating the solicitations or uh auto dialer statutes, it would have to be a person acting in the course of their business. Um, there's also a very long list of exempted entities if you look in Oregon's phone solicitation statute. Um, and that list specifies that a telephone solicitation does not include uh a supervised financial institution or subsidiary or affiliate. Uh, and that that uh statutory definition is in 646.605. Uh, it also doesn't include a person or affiliate of a person whose business is regulated by the public utility commission and it doesn't include a telecommunications utility with access lines of 15,000 or less. Uh, and there is more language there, but I won't belabor the point. So, uh, happy to answer any specific questions about that. I do want to, um, also note that the UTPA does not define public bodies as persons. Uh so law enforcement agencies would not uh fall within the

scope uh of the phone solicitations or autodialer statutes. Uh and I think that covers my my very riveting testimony. Happy to answer questions.

Thank you. Any questions? Uh Senator Thatcher first.

Vice Chair Thatcher: Well, the f the first thing that drew my attention was it was testified earlier by Representative Sosa that it would narrow the window of time during which person could receive solicitations, texts, right? How would that be determined? Because we have if it's based on a say an area code, it could appear to be based in another state with a different time zone. And I'm just wondering how how location of an individual and and then based on I don't know how how would they base that window of time? How would that be determined?

Leslie Wu: Yeah. Um, so far uh excuse me, Chair Pzanski and Vice Chair Thatcher. Um, So So far the prevailing guidance I think for industry folks who have been in compliance with the solicitations laws that exist across the various states many of them have different quiet hours periods. So far the prevailing interpretation is that um relying on the uh consumer's area code is a reasonable thing for a business to do in order to be in compliance with a text solicitation or autodialer statute. Um sometimes these are called mini TCPA because A lot of them are modeled off of a federal uh law called the TCPA. Um, so I know that uh you will probably hear more about the federal quiet hours time frame. Um, Oregon already in its existing law differs from the federal time frame. Uh, and lots of other states have have different quiet hours um provisions. So that's that's my best answer at that. Hopefully I answered the question for you.

Vice Chair Thatcher: But then a follow-up question, not well not follow up just separate one actually. Um what about entities that a person has subscribed to and they are um you you agree to accept text messages from this business or whatever. Um it does it does it focus on those types of entities? Uh that I can the ones that I could easily just say stop and they supposedly stop.

Leslie Wu: Yeah. Chair Panski, Vice Chair Thatcher. Uh it's a good question with um a multi-part answer. of course. Um, first, uh, in the solicitation definition, uh, that's in this bill, I'll note that, um, the quiet hours provisions only apply to a person initiating a solicitation. So, that's a communication from the business entity to the consumer, uh, initiating that, right, as opposed to continuing in um, a conversation that they might be engaging in with the consumer. Um, I I think that uh the intent of this bill is to clarify that initiation of the solicitation has to happen outside of the quiet hours uh provisions. Um also there are in the autodialer portion of the statutes um the representative noted that this adds a the quiet hours provision to the autodialer statute. Elsewhere in the autodialer statute there are carveouts um for business to business or or I'm sorry uh for uh entities that have an established business relationship with the subscriber. Um that's defined elsewhere in the autodialer statute. And I think a a reasonable read of that would mean that if um an entity, for example, if a consumer reaches out to a business asking questions and the business is replying to that wouldn't be considered a solicitation because it's not an initiation of a sale per se. And if it was done via the use of an auto dialer. Um potentially the the business relationship could be established at that point and the business would be exempted by virtue of that language in the autodialer statute.

Chair Prozanski: Alright.

Leslie Wu: Sorry that was longwinded.

Vice Chair Thatcher: I guess just based on the explanations, is it clear? Is it going to be clear enough for people to abide by?

Chair Prozanski: We're going to hear some other people testify. And one of the things I do want because I've had some conversations on this is to make sure it is clear if someone has actually entered to a agreement with whoever that caller is and they have consented to having those type of calls that they should not have a gotcha or get you because they are in that relationship but at the same time if you have an individual who is in that type of relationship and says stop I don't want to do it anymore cease and desist then at that point I think it should kick in that way you know uh it does allow because there are people who want to have those uh calls at whatever hour they may be coming in Uh, Senator McLane and then Senator Broadman.

Sen. McLane: You may not, well, I it was more to follow up on the discussion about consent. Um, I guess help me understand if uh if I am uh purchasing an item and You know, I fill out a registration of my blender with a company that made the blender or whatever. And then I go online, I register my blender, and I giving I'm giving consent to them to contact me by email (*sic*). So, I guess the first question is this does not apply to my hypothetical, would it?

Leslie Wu: Uh, Uh, Chair Pazonski, Vice Chair Thatcher, and Senator Mlan. Um, I think that is generally correct. Um, first in terms of the autodialer statutes, you would have an established business relationship with the company if they were to use a a like robotic contact with you after you had registered the blender. Um, again, it to be an auto dialer uh issue, it needs to be a pre-recorded message sent to you. Um, so if they were doing that, because you had bought the blender from them, um you would have an established uh business relationship of note that that does terminate after 18 months I think in the in another part of the definition. So it wouldn't need to have been within an 18-month period. Um and then in terms of the solicitations portion of the statute I think in your hypothetical uh that wouldn't apply because the seller would not be initiating a solicitation with you assuming they're communicating about you having registered a blender that you'd already purchased from

Sen. McLane: And may I follow up?

Chair Prozanski: You may.

Sen. McLane: So, uh, I admit I haven't really thought a lot about this, but it I guess, uh, raises in me the question of, uh, the, uh, what is the consequence of, um, General Electric having a subsidiary that again I don't want to pick on General . . . Acme products Acme products they make great blenders and I buy blender I go online to register I register but I never I don't know maybe now I'm consenting for all Acme products to now be um does does my consent apply to um all of Acme if if that business relationship is started by me just registering a product because I know we all do that right you get it and it says go online and register this product I of

course do that um maybe other people don't but uh by and large I do because why not so am I now invite you know is that consent to subsidiaries?

Leslie Wu: chair, vice chair Senator McLane, uh I think it really depends I mean uh the most lawyer answer I could probably give you there. Uh but I think one one thing that you're touching on is sometimes referred to as the lead generator loophole. And there's been a um a lot of debate uh I would say at the federal level and in lots of other states about um scope of consumer consent and whether consumers are knowingly agreeing to receiving communications from a business um when they do what you're describing. And you just kind of the I agree a box and and move along in the transaction with the business. Um so I think in terms of any conversation about consumer consent and whether it's one-to-one with the business for the particular um conversation that the business is trying to have with the consumer. Um that is a a more complicated discussion than we can probably get through in the hearing today. Um but I am happy to follow up with you on that that issue the the lead generator loophole issue

Sen. McLane: I don't want to take any or But I would like to say when you follow up, my curiosity is that I don't want Oregon to become off limits because this is really quite a sanction. Uh and if you have a company that provides a service to blender owners and suddenly they're saying, you know what, it's not worth it anymore. Oregon's an outlier. God forbid if I try to tell, you know, Mike McLane that uh there's an update for his blender and I could end up um being sued and paying attorney's fees and everything like that. They just may they may reduce services to Oregonians out of apprehension. And so I have a concern about that, but uh would love to follow up and and hear uh and hear perhaps my initial apprehension is misplaced.

Chair Prozanski: All right. What I'm going to ask is that Leslie, if you will follow up with uh Senator McLane Um, since this is our first public hearing, I get the information that he seeks and then we'll see where we go from there. All right. Uh, Senator Broadman, I think you had a question.

Sen. Broadman: Yeah, thank you, Mr. Chair, and thank you, Lesie. Um, what can you help me understand the gap between what this would regulate and what the federal government already regulates? And what what is the need in terms of going above and beyond or I guess less than if that's true? Um, what the feds are already doing.

Leslie Wu: Uh, Chair Pzoneski and Senator Broadman. Uh, yes, there is federal regulation um related to this. As I mentioned, there is a federal TCPA. Many of the states have created their own mini TCPA. Um, my written testimony goes through some of the interesting uh history behind some of the states enacting their own TCPAs um and creating sort of the patchwork that that I've mentioned of various quiet hours across the various states. Um I'll just note that the uh in response to a 2021 US Supreme Court decision about the federal TCPA. Um Florida passed a law expanding their protections, many other states followed suit. Um it was there have been lots of bipartisan pushes to to incorporate changes to the laws. Um and notably, I think the the Arizona statute that incorporated texts, which is kind of the the basic um intent of this bill, uh was a Republican sponsored bill. So there's been a lot of action at the state level. Um I will also

note that at the federal level um with respect to the issue of RCS, which I do not hold myself out to be an expert in, uh and with respect to updating the federal rules on these issues, there was an 11th Circuit decision um just earlier this year that reversed um some rulemaking that a federal entity had done because it exceeded the scope under the administrative procedures act their rulemaking authority. Um that rule so far as I know is still stayed in its implementation. The current administration announced that they were going to stay um the rule for one year. U but I can also follow up with you if you have more questions about what's going on at the federal level.

Sen. Broadman: Okay. Follow.

Chair Prozanski: Yes.

Sen. Broadman: Um and I I think I understand the intent to exempt um calls that are limited to polling or soliciting um the expression of ideas, opinions or votes. I think my question is um because I think politicians should be held to the same standard as anybody else. Are is this going to limit text messages by political campaigns for solicitation of money?

Leslie Wu: Uh, Chair Paski, Senator Broadman, no. Um, the existing So, I think the intent of this bill was to add texts into the existing Oregon statutes and not otherwise disturb the statutes aside from um the change to the quiet hours. So, the carve out in the solicitation statute for any uh calls made by charitable organizations, public agencies, um, polling or solicit expression of ideas or votes, those are exempted already out of the solicitation statute. Uh, and I believe the intent of this bill is to just maintain that status quo with existing Oregon law. Um, so it would not I guess I would it would not subject political correspondence or solicitation for votes or ideas to the same standards as private businesses who are engaging in sales with consumers.

Sen. Broadman: All right. Just a comment. I'm I'm still trying to understand what the what it says, but if it appears to me that it might allow I would like to understand if somebody knows any of the next testifiers whether this applies to texts that campaigns send asking just for money. They're not trying to solicit an idea or a vote. Um that's my question and I don't need to know it today. I'm just curious.

That'd be nice to have the clarification, but I would assume based on what is permitted or permissible under the current uh law. And since this is only bringing texts in, you'd have the same rights. And I don't think there's any prohibition at this point for political campaigns to have uh telephone communication with uh uh lacking voters or or such in whatever capacity.

Leslie Wu: Chair Pazonski, Senator Broadman, I will I will um caveat that and get back to you, but I it may be true that the autodialer statutes uh do not exempt communications in that way, but I'll follow up with you.

Sen. Broadman: Okay.

Chair Prozanski: All righty. Thank you very much. What I'm going to do is I'm going to ask Fawn Barry to come up. She's going to be testifying in a neutral position. She has another

commitment that she needs to be uh free to uh carry out to and then we'll pick up the remaining two supporters and then the opposition on the bill.