

HOUSE COMMITTEE ON RULES, REDISTRICTING, AND PUBLIC AFFAIRS

April 09, 2001
1:30 PM

Hearing Room D
Tapes 66 - 67

MEMBERS PRESENT: Rep. Carl Wilson, Chair
Rep. Richard Devlin, Vice-Chair
Rep. Dan Doyle, Vice-Chair
Rep. Steve March
Rep. Bruce Starr
Rep. Joanne Verger
Rep. Cheryl Walker

MEMBER EXCUSED: Rep. Dan Gardner
Rep. Bill Garrard

STAFF PRESENT: Cara Filsinger, Committee Administrator
Jennifer Goodman, Committee Assistant

MEASURE/ISSUES HEARD: SB 446A – PUBLIC HEARING AND WORK SESSION
HB 2577 – PUBLIC HEARING
HB 2578 – PUBLIC HEARING
HB 2579 – PUBLIC HEARING

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 66, A		
004	Chair Wilson	Opens the meeting at 1:33 p.m. Opens a public hearing on SB 446.
<u>SB 446A – PUBLIC HEARING</u>		
009	Senator Peter Courtney	Senate District 17. Testifies in support of SB 446A. Reviews the history of the inception of the bill. Believes that this legislation needs to be updated. Explains the diverse population that has worked on and supports this bill. States that the Oregon State Bar has a problem with part of the bill and adds that he does not know if it is the original or amended bill.
073	Jana Jarvis	Oregon Association of Realtors. Introduces the following group. Explains that the group is knowledgeable on different parts of the bill.
088	Chair Wilson	Asks them to explain the origin and purpose of this bill.
093	Carol Dozois	Oregon Association of Realtors. Submits and testifies in support of the bill from (EXHIBIT A) .
144	Jim Homolka	Remax Equity Group. Testifies in support of SB 446A. Explains that they are trying to update the law. Explains that this bill increases the education requirements and holds associates to a higher accountability.
165	Andrea Bushnell	Oregon Association of Realtors. Submits and testifies from (EXHIBIT B) in support of the bill. Explains that often the consumer does not want to use the forms because it looks like a contract. Believes this to be a problem because it includes

educational information. Explains the benefits to be:

- Broker supervision.
- Licensing revision.
- Designated agency.
- Statutory duties.
- Liability issues.

Believes that this bill is beneficial to both broker and consumer.

TAPE 67,A

026 Chair Wilson
028 Bushnell

Asks if there was legal advice given in creating the formula. Responds that they had three attorneys along with outside counsel.

035 Rep. March

Asks about law statutory rights. Asks if these were part of the original version.

040 Bushnell

Explains Section 45 of SB 446A. States that this is included in the new language.

059 Scott Taylor

Oregon Real Estate Commissioner. Submits and testifies from **(EXHIBIT C)**. States that most of the amendments in the A-engrossed bill were housekeeping measures. Describes the group that participated on SB 446. States that the industry needs updated legislation. Describes a problem that arose last year caused by outdated legislation. Discusses international real estate law.

130 Chair Wilson

Asks him if he received the information from the Sole and Small Firm Practice Section of the Oregon State Bar.

137 Taylor

Responds in the affirmative. States that fiduciary requirements are expanded upon and simplified for the real estate licensee. Explains that the biggest problem in terms of complaints are unmet expectations. States that this bill better defines and explains disclosed limited agency or in company. Explains that the point is to operate across state lines. Refers to and discusses the agency disclosure form he submitted. Explains that it is difficult to enforce filling out the form. Discusses supervisor responsibilities as written in SB 446A. Explains how the internet has affected the industry.

300

Accepts **(EXHIBIT D)** testimony.

301 Chair Wilson

Closes the public hearing on SB 446A and opens a work session on SB 446A.

SB 446A – WORK SESSION

306 Rep. Devlin

MOTION: Moves SB 446A to the floor with a DO PASS recommendation.

310 Rep. Verger

Asks why there was no testimony given by the author of the letter.

312 Chair Wilson

Replies that he could not make it.

313 Rep. Verger

Explains that she does not like getting last minute testimony especially when the person is not present to explain it.

315 Chair Wilson

Agrees.

316 Rep. Doyle

Believes all the changes in the amended version have been adequately covered.

340

VOTE: 7-0

AYE: 7 In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Gardner, Garrard

350 Chair Wilson

The motion CARRIES.

351 Chair Wilson

REP. DOYLE will lead discussion on the floor.

Closes the work session on SB 446A and opens a public hearing on HB 2577.

HB 2577 – PUBLIC HEARING

372 John Lindback

Director of Elections Division. Submits and testifies in support of HB 2577 from **(EXHIBIT E)**. Explains that the bill repeals the ability of the Secretary of State to grant a routine waiver for those who do not want to electronically file contribution and expenditure reports. Adds that it also requires the implementation of a searchable database for contributions and expenditures that is to be used by the public and to be implemented by March 31, 2000. Believes that they need to make filing easier. Discusses **(EXHIBIT E)**. Electronic system has to include these characteristics:

- Usable for all campaigns.
- Affordable.
- Intuitive.
- Capable of doing calculations.
- Able to catch errors.
- Efficient

States that these need to be implemented in order to be an incentive to file electronically.

TAPE 66, B

039 Rep. Doyle

Asks about the cost.

043 Lindback

Explains that he wants a system that has a no cost option. Adds that he also wants a more sophisticated system available.

051 Rep. Devlin

Expresses concern that the bill is just a shell. Asks how they can waive the requirement if there is only a shell of a system.

063 Lindback

Responds that they have a system in place now.

064 Rep. Devlin

Explains that people are asked to report on paper also because there are problems with the system. Questions the ability of the system to be sophisticated.

078 Lindback

Explains that they have to use the system as it is until something better is implemented. Adds that they do not have to have anything too complex. Discusses Ohio's system.

092 Rep. Devlin

Expresses a desire to be able to track contributors and send out letters.

097 Lindback

Responds that this system will not include these services but that he would work on compatibility. Explains that the system will be web-based including:

- Some security.
- Simple screens.
- Error message that points out problems.
- Information would be transferred to the proper forms
- Able to transfer information to the Elections Division.

Refers to page 6 of **(EXHIBIT D)**. Explains the benefits for easy filing on the last page of the exhibit.

163	Rep. Starr	Asks why they want to repeal the statute in section 3. Explains that the only change he sees is the sunset clause.
173	Lindback	Agrees.
174	Rep. Starr	States that all but 22 campaigns filed electronically out of 198. Asks if the rest were given waivers or filed incorrectly without the waiver.
180	Lindback	Responds that this is true. Adds that they have not made the system easy enough to provide incentive.
184	Rep. Starr	Expresses concern that if the system is not working properly how would the scenario go regarding waivers.
190	Lindback	Responds that the waiver is only for extenuating circumstances. Adds that he cannot think of a condition in which they would grant a waiver.
200	Rep. Starr	States that if the system is not running properly the state would need to grant waivers.
209	Chair Wilson	Explains that he is not planning on moving this bill out of committee today. Adds that they would need to meet to discuss these concerns.
218	Rep. March	States that the revenue of \$13,000 in savings is low, if in fact the system catches errors.
230	Lindback	Responds that the amount is based on the elimination of temporary data input staff.
235	Rep. March	Asks that they investigate the cost savings that includes all functions.
238	Rep. Devlin	States that aggregates would be beneficial if included in the system. Adds that he would like to see Political Action Committees (PAC) identification numbers to avoid duplication.
257	Lindback	Agrees that this is a good idea.
265	Chair Wilson	Closes that public hearing on HB 2577 and opens a public hearing on HB 2578.

HB 2578 – PUBLIC HEARING

273	Lynn Rosik	Elections Division. Explains the word “Fraud” in the bill and its deletion. Gives the background as to why the Secretary of State has requested the amendment. Explains that the Secretary of State should not have the responsibility of policing false campaign statements. Adds that this amendment does not affect the false swearing in election law context.
398	Rep. Walker	Asks about the effect on third party endorsements in the voter pamphlet.
402	Rosik	States that this is dealt with under a different statute.
414	Rep. Walker	Asks if this would affect the required statement.
417	Rosik	Responds in the affirmative. States that this amendment only affects people coming to the Secretary of State with complaints regarding false statements.
429	Rep. Walker	Asks if this does not affect the required statements in the pamphlet.
431	Rosik	Responds that it does not affect the required statements. Adds that the rest of the text is enforceable by other statutes.

TAPE 67, B

027	Rep. Starr	Asks if ‘fraud’ at one time did not mean false statements and now it does.
030	Rep. Walker	Reviews an experience regarding fraud and states that she does not support this particular bill.
035	Chair Wilson	Asks if Representative Walker would like to contribute to HB

2578.

036 Rep. Walker Explains that she has introduced a bill that discusses this topic. Adds that the SL400 form is turned into headquarters and is edited without permission. Believes it is a disservice to the voters to not be able to follow up or prosecute.

049 Chair Wilson Closes the public hearing on HB 2578 and opens a public hearing on HB 2579.

HB 2579 – PUBLIC HEARING

056 Ed Dennis Secretary of State’s Office. Believes that citizens should have the option of voting on line. Suggests that Oregon conduct its own study regarding voting on line. Suggests a list of things we need to start considering.

- Infrastructure and equipment.
- Centralized voting registration and how this relates to internet voting.
- Pilot program.

Asks that they be allowed to conduct a study and come back to the legislature next session with some information.

115 Chair Wilson Asks how much the study will cost.

116 Dennis Responds that it is .25 FTE.

119 Cara Filsinger Committee Administrator. States that the measure minimum fiscal is less than \$50,000.

120 Dennis States \$34,000.

124 Rep. Doyle Concerned with ‘how’ to rather than ‘whether’ to phase in internet voting.

132 Dennis States that his office believes that this will ultimately happen. Suggests that perhaps they could change the language.

141 Rep. Starr Concerned that this is a big move away from voting as a community. Believes that a printed receipt should be given to the voter.

173 Dennis States that this will reopen the debate on internet voting and other options.

190 Rep. Devlin Asks if this expenditure is expected in the Secretary of State’s and the Governor’s budget.

192 Dennis Responds in the negative.

194 Rep. Devlin Asks if it can be absorbed into the budget.

195 Dennis Responds that he will discuss this with the budget office and answers in the negative.

201 Chair Wilson Closes the public hearing on HB 2579 and adjourns the meeting at 3:18 p.m.

Submitted By,

Reviewed By,

Jennifer Goodman,
Committee Assistant

Cara Filsinger,
Committee Administrator

EXHIBIT SUMMARY

A – SB 446, written testimony, Carol Dozois, 2 pp.

B – SB 446, written testimony, Andrea Bushnell, 2 pp.

C – SB 446, written testimony, Scott Taylor, 5 pp.

D – SB 446, written testimony, Staff, 3 pp.

E – HB 2577, written testimony, John Lindback, 8 pp.