

HOUSE COMMITTEE ON RULES, REDISTRICTING, AND PUBLIC AFFAIRS

February 28, 2001
1:30 PM

Hearing Room D
Tapes 32 - 33

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

MEMBER EXCUSED: Rep. Bruce Starr

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

MEASURE/ISSUES HEARD: REDISTRICTING – PUBLIC HEARING
HB 2574 – PUBLIC HEARING
HB2847 – 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 32, A		
004	Chair Wilson	Calls the meeting to order at 1:31 p.m. Opens a public hearing on redistricting.
<u>REDISTRICTING – PUBLIC HEARING</u>		
033	Robert Huggins	Coos Bay Resident. Testifies from (EXHIBIT A) .
076	Rep. March	Asks if "Eastside" is part of the city proper.
079	Huggins	Responds that it is its own neighborhood.
091	Rep. March	Asks how many people reside in the city of Coos Bay.
091	Huggins	Responds that there are 16,000 residents.
093	Rep. March	Responds that that is smaller than a house district so there is no reason to split it.
094	Huggins	Agrees.
097	Chair Wilson	Closes the work session on redistricting and opens a public hearing on HB 2574.
<u>HB 2574 – PUBLIC HEARING</u>		
107	Cara Filsinger	Committee Administrator. Submits fiscal analysis (EXHIBIT B) .
116	Paddy McGuire	Deputy Secretary of State. Submits and testifies in support of HB 2574 from (EXHIBIT C) and from the map of the National Association of Secretaries of State's (NASS) proposal.
167	Chair Wilson	Asks about taking the money out of the process. Adds that he would like to know how many western states have this in legislation.
173	McGuire	Explains the last presidential election regarding voting dates. Adds that this bill would allow candidates to campaign in one

area for a full month.

208 Chair Wilson Asks how many states in the west have been enabling legislation.

209 McGuire Responds that none have so far. Adds that twelve states have been considering this. Believes that the start date of 2008 has deterred many states.

222 Chair Wilson Asks if there is any written information is available on this issue.

223 McGuire Responds in the affirmative and will supply the information.

223 Rep. Devlin Asks if there is a proposal to make the individual primaries part of a whole.

236 McGuire Responds that the NASS's proposal provides the flexibility for any state to vote at any time of the month. Gives an example.

246 Rep. Gardner Asks if there is a plan for 2004.

353 McGuire Responds in the negative.

260 Rep. Gardner Asks if any consideration has been given to the possibility that a few states may want this legislation, and if so, how many would it take to lead the way.

267 McGuire States that it would probably require national participation. Believes that not only will the states need to participate but also the parties.

289 Rep. Doyle Asks if this would apply only to the presidential primary election.

292 McGuire Answers in the affirmative.

296 Rep. Doyle Asks how this would be coordinated with two elections in one year.

304 McGuire Believes it will be a big problem.

331 Rep. Doyle Asks if this is still worth proceeding with.

335 McGuire Responds in the affirmative and agrees that there are significant issues to be addressed.

353 Chair Wilson Closes the public hearing on HB 2574. Recesses the meeting at 1:55 p.m..

359 Chair Wilson reopens a public hearing on HB 2847 at 2:01 p.m.

HB 2847 – PUBLIC HEARING

334 Representative Jeff Merkle District 16. Submits and testifies from **(EXHIBIT D)**. Reviews HB 2847.

TAPE 33, A

036 Rep. Merkle Continues testifying in support of HB 2847. Refers to the attached amendment **(EXHIBIT D)**.

090 Rep. Garrard Asks Representative Merkle to explain costs of the class.

096 Rep. Merkle Explains that the class is a way to waive the three-day waiting period. Believes that the public should be made aware that classes of this type exist.

121 Rep. Garrard Asks if the buyer can waive the three-day waiting period.

126 Rep. Merkle Explains that they must participate in the class in order to waive the waiting period.

136 Rep. Garrard Asks if he intends for the state to be responsible for educating the consumer.

141 Rep. Merkle Responds in the affirmative. Adds that the government can assist these people through education and the waiting period.

157 Rep. Garrard Asks if the class is something the State of Oregon should be involved in.

162 Rep. Merkle Responds that he believes this is a reasonable improvement to how things stand now.

175	Rep. Walker	States that she is concerned about the class. Adds that the public may be led to believe they know enough to make this type of a decision. States that she is concerned they might return later and sue the state.
205	Rep. Merkley	States that her point is well taken. Believes that the bill should not allow the three-day waiver. Adds that if the time can be waived then the class is better than offering nothing.
225	Chair Wilson	Asks if he approves of the automatic three-day rescission without requiring the class.
231	Rep. Merkley	Responds that it is simpler. Adds that the resources could be made available through a disclosure.
237	Rep. Garrard	Suggests that some kind of written information be given to the buyer explaining the three-day rescission along with some information.
251	Rep. Merkley	Explains that education is his main goal. Adds that perhaps this information could be mandatory for a buyer.
263	Representative Phil Barnhart	District 40. States that he is in support of HB 2847. Adds that Representative Merkley has already expressed his points.
274	Eugene Ebersole	Oregon Department of Justice. Submits and testifies from (EXHIBIT E) . Asks if this bill relates to all manufactured home space renters.
295	Chair Wilson	Responds in the affirmative.
296	Ebersole	States that the Attorney General supports HB 2847. Explains that there are similar three-day cooling off periods in federal statute. Adds that he does not believe the three days should be waived. Believes that the transactions in purchasing and renting space has become very complex regarding park packages.
TAPE 33, B		
008	Rep. Doyle	Asks about the difference between purchasing a 'stick home' and a manufactured home.
017	Ebersole	Explains that the transaction involved in purchasing a manufactured home is more like purchasing an automobile. Adds that there are no realtors to look after the buyer's interests. States that he will remain present to discuss the task force findings.
042	Don Miner	Oregon Manufactured Housing Association. Opposes the bill as drafted. States that when buying a home you cannot rescind and that not all buyers use realtors. Supports the revisions of taking out the 'related parties' section of the bill. States that if a private person sells and the buyer rescinds this can cause problems. Refers to Page 2 line 14 and asks how the lender would know the right to rescind had run. Questions when the three-day rescission begins and ends. Points out that this is a unilateral bill and that the seller has no rights to also rescind. Questions the fees and system development charges. Believes a lot of work needs to be done to clarify this bill.
170	Rep. Garrard	States that under this proposal there is no agreement until the three days is up. Adds that the system development charges are the city's responsibility.
186	Miner	States that the bill does not make it clear that there is no agreement until the three days has run. Expresses concern regarding modifications to the agreement.
195	Rep. Devlin	Proposes that during the three-day waiting period the seller is unable to entertain other offers.

211	Miner	Believes that this is true. Adds that he wants the bill to become bilateral. Suggests not beginning the ordering process until the three days is up.
225	Rep. Devlin	States that system development charges are based on the impact of the residence not the worth of the home.
238	Rep. Doyle	States that the right to rescind is based on a written agreement. Asks how often sellers experience immediate sales of manufactured homes.
258	Miner	Believes that most purchases are not on impulse.
270	Rep. Doyle	States that the agreement is effective until it is rescinded.
272	Miner	Replies that that goes back to his point of this being a unilateral rescinding.
279	Rep. March	States that sellers of the home could take back up offers. Adds that he does not believe this would cause problems for the seller regarding the unilateral three-day waiver. Asks if Mr. Miner has met with Representative Merkley to work out some of these problems.
306	Miner	Responds that he has not but would like to work out these problems before the bill goes forward.
317	Chair Wilson	Refers to section 3 of the bill. Asks how the class would affect his department.
333	Bob Repine	Director of Oregon Housing and Community Services Department. Responds that he would be happy to help redraft this section. States that the department offers similar classes like ABC's of Home Buying. Adds that his department does not offer these classes. Points out that meeting for these classes could prove problematic for people throughout the state. Refers to section 1 subsection 2 line 9; discusses the definition of '12 months prior'.
406	Fred Schwoch	Manufactured Home Owners of Oregon. Testifies in support of HB 2847. Relates a story supporting the need for a three day recision.
TAPE 33, B		
016	Pat Schwoch	Manufactured Home Owners of Oregon. Testifies in support on HB 2847. Expresses concern regarding park packages. Adds that there are very complicated rules within these parks. Believes that many manufactured homebuyers belong to a vulnerable section of the population and this bill can help protect them.
042	Fred Schwoch	States that one cannot forfeit earnest money.
046	Rep. Doyle	Asks if Mrs. Schwoch believes that it is more important to be able to rescind the rental agreement rather than the purchase agreement.
056	Pat Schwoch	Responds that there is too much paperwork in both cases and that both need to be addressed.
065	Fred Schwoch	States that buying and renting and intertwined.
073	Rep. Verger	Asks the committee why agreement paperwork is now so lengthy. Adds that perhaps it is because of legislation.
079	Chair Wilson	Guesses that legislation could have something to do with it. Adds that everything nowadays has a lot more paperwork than ten years ago.
087	Susan DeLateur	Testifies in support of the bill. Discusses the large amount of paperwork in park packages.
116	Chuck Carpenter	Manufactured Housing Communities of Oregon. Testifies in

		opposition to HB 2847. Requests that this bill be discussed in the weekly coalition meeting. Expresses concern regarding the offering of classes.
141	Al Conely	Manufactured Housing Communities of Oregon. Expresses concern regarding the drafting of the bill because it is unclear. States that rules have grown because of the renters not the owners. Adds that this bill will also affect private sales between individuals. States that by offering the class the state infers responsibility. States that people do plan and give thought to renting in a park.
208	Rep. Doyle	Asks about the process of retainers for the space during the three-day period.
225	Conely	Replies that he does not have a ready answer because this is new ground. Adds that if demand increases he would be able to give an answer.
238	Tim Martinez	Oregon Banker's Association. States that they are neutral at this time. Expresses concern about the class training.
259	Chair Wilson	Closes the public hearing on HB 2847. Adjourns the meeting at 3:18 p.m.

Submitted By,

Reviewed By,

Jennifer Goodman,
Committee Assistant

Cara Filsinger,
Committee Administrator

EXHIBIT SUMMARY

- A – Redistricting, written testimony, Robert Huggins, 1 p.**
- B – HB 2574, Fiscal analysis, Staff, 1 p.**
- C – HB 2847, written testimony, Paddy McGuire, 1 p.**
- D – HB 2847, written testimony, Rep. Jeff Merkley, 5 pp.**
- E – HB 2847, written testimony, Eugene Ebersole, 1 p.**