

HOUSE COMMITTEE ON RULES, REDISTRICTING, AND PUBLIC AFFAIRS

March 16, 2001
1:30 PM

Hearing Room D
Tapes 42 - 43

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

MEMBERS EXCUSED: Rep. Dan Gardner
Rep. Bill Garrard
Rep. Bruce Starr

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

MEASURE/ISSUES HEARD: HB 2173 – PUBLIC HEARING AND WORK SESSION
SB 215 – WORK SESSION
HB 2847 – WORK SESSION

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 42, A		
004	Chair Wilson	Calls the meeting to order at 1:37 p.m. Opens a public hearing on HB 2173.
HB 2173 – PUBLIC HEARING		
009	Representative Vicki Walker	District 41. Submits and testifies from (EXHIBIT A) . States that the law now is not clear regarding write-in candidates. Believes that write-in candidates should be mentioned in Section 3 of the bill. Reviews the bill indicating the places that should mention write-in candidates. Asks that the bill be rewritten to include write-in votes. Refers to the editorial in (EXHIBIT A) .
086	Rep. Devlin	States that he has no problem with the bill.
092	Rep. Verger	Asks about her own race that involved a write-in candidate.
104	Rep. V. Walker	Replies that you can have a write-in at the primary and general elections. Reviews Representative Verger's election.
112	Rep. Verger	States that the candidate was disqualified because they lived outside the district.
116	Rep. V. Walker	States that the local republican party nominated a replacement.
120	Rep. Verger	States that the candidate was disqualified and then the republican party nominated a write-in.
126	Rep. Devlin	Asks if the party replaced the disqualified candidate in time.
130	Rep. Verger	Responds that the person filed following the primary after the first candidate dropped out then the second person was disqualified for not living in the district. Adds that there was then a write-in candidate.
139	Rep. Devlin	States that Representative Vicki Walker's opponent also filed in his district.

145 Rep. V. Walker States that she recalls this.
154 Rep. March Asks if this bill places more responsibility on a write-in candidate than a regular candidate.
157 Rep. V. Walker Responds that it places the same requirement on all candidates.
165 Chair Wilson Closes the public hearing on HB 2173 and opens a work session on HB 2173.

HB 2173 – WORK SESSION

170 Rep. Devlin **MOTION: Moves HB 2173 to the floor with a DO PASS recommendation.**
174 **VOTE: 6-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 3 - Gardner, Garrard, Starr
The motion CARRIES.
Rep. V. WALKER will lead discussion on the floor.
Chair Wilson
183 Chair Wilson Closes the work session on HB 2173 and opens a work session on SB 215. Asks the committee to look at the –8 amendments. Reviews the bill and states that we will rescind House Rules after this bill is adopted.

SB 215 – WORK SESSION

190 Chair Wilson Asks the committee to look at the –8 amendments. Reviews the bill and states that we will rescind House Rules and adopt this bill.
209 Staff submits proposed amendments –A8 (**EXHIBIT B**).
210 Rep. Devlin Asks if Chair Wilson intends to take action on the House Rules concurrently.
212 Chair Wilson States that this will go to the House and then the Senate for concurrence. Adds that he intends to coincide the House Rules with a vote on the Senate side.
218 Rep. Doyle Asks if the Secretary of State only has to alert the Chief Clerk of the House.
221 Chair Wilson Responds that the Senate chose not to go along with this. Asks the committee to consider the amendments.
237 Rep. Wilson **MOTION: Moves to ADOPT SB 215-A8 amendments dated 03/14/01.**
239 **VOTE: 6-0**
EXCUSED: 3 - Gardner, Garrard, Starr
Hearing no objection, declares the motion CARRIED.
243 Rep. Devlin **MOTION: Moves SB 215 to the floor with a DO PASS AS AMENDED recommendation.**
253 **VOTE: 6-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 3 - Gardner, Garrard, Starr
The motion CARRIES.
Rep. DEVLIN will lead discussion on the floor.
267 Chair Wilson Closes the work session on SB 215 and opens a work session on HB 2847.

HB 2847 – WORK SESSION

272 Representative Jeff Merkle District 16. Submits and testifies to the –5 proposed amendments (**EXHIBIT C**). Explains that this bill proposes a 3 day right of rescission for people purchasing manufactured homes for placement in a park. Adds that he has done a lot of work on this bill along with the Attorney General's office and others in the industry. Explains the –5 amendments.

		<ul style="list-style-type: none"> • Creates one single three-day right attached to the contract for placement in a park. • Incorporates language that clearly defines three-day beginning and end dates for both the purchaser and the seller. • Removes the clause in the bill relating to attending a class in order to rescind the three-day waiting period.
397	Rep. Merkley	Explains that rescissions are a way to protect citizens when entering into complicated contracts.
410	Rep. Doyle	Asks about page 2 subsection 4 regarding provisions that the deposit be returned to the purchaser. Adds that there could possibly be a complication with more than one party involved.
440	Rep. Merkley	Responds that the law states the landlord has no responsibility regarding multiple purchasers.
465	Rep. Doyle	Asks what would happen if two people purchase the house together.
473	Rep. Merkley	Responds that the law is the same as regarding a deposit for an apartment. Adds that the problem is between the two purchasers.
502	Rep. Doyle	Asks if the deposit is returned to the person who sends in the rescission form.
516	Rep. Merkley	Responds that the bill does not give latitude on this issue. Adds that landlords generally don't want to be involved.
TAPE 43, A		
058	Rep. March	States that page 2 line 18 is a little vague and needs to be made more explicit.
066	Rep. Merkley	Responds that Legislative Counsel used this language. Adds that the language can be fixed on the Senate side.
077	Eugene Ebersole	Attorney General's office. Explains that the language can be changed in the bill to clarify whom the landlord pays. Adds that the bill states on page 1 section 3 "Saturday" when it should say "Sunday".
100	Rep. Merkley	States that Legislative Counsel considers Sunday a holiday so only Saturday is included.
102	Ebersole	Explains that instead of "the person who sent the rescission form" it should state "prospective tenants". Adds that for clarity on page 3 section 5 specific language should be added. Reviews other language changes that should be made. Supports this bill with the edits.
175	Don Miner	Manufactured Housing Association. States that he does not support the notion of a right of rescission. Adds that this bill is well crafted but that some changes are needed for clarity.
178	Chair Wilson	States that Representative Merkley has put in a lot of hard work on the -5 amendments.
198	Rep. Merkely	States that all the problems can be corrected with minor editing. Believes that the substance is sound.
212	Rep. Doyle	Asks if the changes are made on the Senate side if the committee will be revisited by the amendments.
219	Chair Wilson	Responds that there will be a concurrence on the House side.
221	Rep. Doyle	Asks if would be more expedient to amend on the House side now.
222	Chair Wilson	Responds that the time would be about the same. Asks if anyone has objections to sending this bill to the Senate side.

230	Rep. C. Walker	Believes that this bill should move forward.
238	Rep. C. Walker	MOTION: Moves to ADOPT HB 2847-5 amendments dated 03/16/01.
240		VOTE: 6-0
	Chair Wilson	EXCUSED: 3 - Gardner, Garrard, Starr
		Hearing no objection, declares the motion CARRIED.
242	Rep. C. Walker	MOTION: Moves HB 2847 to the floor with a DO PASS AS AMENDED recommendation.
247		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair Wilson	EXCUSED: 3 - Gardner, Garrard, Starr
		The motion CARRIES.
		Rep. MERKLEY will lead discussion on the floor.
259	Chair Wilson	Closes the work session on HB 2847. Adjourns the meeting at 2:20 p.m.

Submitted By,

Reviewed By,

Jennifer Goodman,
Administrative Support

Cara Filsinger,
Administrator

EXHIBIT SUMMARY

A – HB 2173, written testimony, Rep. V. Walker, 4pp.

B – SB 215, proposed –A8 amendments, Staff 1 p.

C – HB 2847, proposed –5 amendments, Staff, 7 pp.