

**HOUSE COMMITTEE ON JUDICIARY**

**SUBCOMMITTEE ON CIVIL LAW**

**April 11, 1997 Hearing Room 357**

**1:00 P.M. Tapes 60 - 61**

**MEMBERS PRESENT:**

**Rep. Lane Shetterly, Chair**

**Rep. Judith Uherbelau, Vice-Chair**

**Rep. Roger Beyer**

**Rep. Jo Ann Bowman**

**Rep. George Eighmey**

**Rep. Floyd Prozanski**

**Rep. Charles Starr**

**Rep. Larry Wells**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**David J. Amesbury, Counsel**

**Andrea Terry, Administrative Support**

**MEASURE/ISSUES HEARD: HB 2968**

**SB 255**

**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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape A</b>		
003	Vice Chair Uherbelau	opens meeting at 1:06pm
<b><u>SB 255--PUBLIC HEARING AND</u></b>		

<b>WORK SESSION</b>		
010	Uherbelau	opens public hearing on SB 255
015	Ron Bailey	Co-Chair of the Estate Planning Section of the Oregon State Bar
017	Bailey	EXHIBIT A
061	Bailey	still discussing EXHIBIT A
070	Rep. Eighmey	in Section 7, would you explain this change to me
080	Bailey	explains Section 7 (see page 2 of EXHIBIT A)
085	Eighmey	I see a problem with this current care could be interpreted as on going and future care
094	Uherbelau	question about first priority
100	Bailey	often times the dependents are not covered
108	Eighmey	concerns about guardianship predesignation of guardian if it is not our intent to include dependents in this bill, I think we need to take a long look at this, I think we need to ensure that the dependents are taken care of
150	Bailey	that is something to consider I would like to discuss these concerns with some colleagues and come back to this committee
174	Rep. Beyer	question on the language in Section 8, was the language changed
177	Bailey	no I don't believe so I can bring in the information on Section 8
195	Uherbelau	reference to a letter that she is going to provide Mr. Bailey that will answer questions about SB 255
237	Rep. Bowman	question about personal representative
245	Bailey	a step is saved if there is a personal representative that exists
260	Bowman	what would the down side to this change
265	Bailey	there is always a chance the personal representative will not uphold the deceased's wishes
290	Bailey	I understand I am to respond to sections seven and eight
305	Chair Shetterly	close public hearing on SB 255
<b>HB 3439--PUBLIC</b>		

<u>HEARING</u>		
307	Shetterly	open public hearing on HB3439
309	Brian Johnston	State Representative I would like this bill pulled off your schedule
311	Shetterly	no objection close public hearing on HB3439
<b><u>HB 2968--PUBLIC HEARING AND WORK SESSION</u></b>		
312	Shetterly	open public hearing on HB2968
316	Frank Brawner	Oregon Banker's Association
343	Brawner	HB 2968 was introduced at our request to address a problem that has come to our attention in the last year explains HB 2968
386	Brawner	gives scenario/example of how HB 2968 came about
Tape 61, A		
003	Don Miner	Oregon Manufactured Housing Association
005	Miner	it is very common to see people living in parks who have financed for 30 years leaving the facility is not viable for the lender because he will lose everything he has put into the house discusses "screening" a tenant
040	Shetterly	what is meant by "screening"
045	Miner	the landlord can use certain criteria to "check out" a potential tenant
050	Brawner	the rental agreement is anti-lender we need to give a great deal of education to the lenders
066	Uherbelau	comments about the word "may"
075	Miner	EXHIBIT B explanation of EXHIBIT B
132	Miner	taking with LC we have understood that the lein holders mean lein holders of record and others that might have been known
147	Brawner	explanation of rental agreements and lein holders

155	Bowman	if someone defaults on their rental agreement then a process of eviction begins; how does the landlord know who the lein holder is
160	Miner	explains lein holders and LC definition again
175	John Brennamen	represent Manufactured Home Owners
181	Brennaman	we support this bill
198	Brennaman	we think it is in the best interest to keep the lenders happy we have an on going process going on as to what to do with abandoned mobile home units
216	Bowman	question about lines 15 and 16 in the bill
222	Miner	what we are attempting to say is that the lienholder would have the same rights to sell the home that the prior resident/tenant had
237	Brawner	we have found as the lienholder that the park has treated us differently than the tenant if there is a rental agreement we (the lein holder) should know what is in that agreement
248	Shetterly	is there a time limitation in this bill
255	Miner	there is not a time limit currently SB 675 is attempting to solve the problem surrounding the time limit issue
274	Wells	what is currently the law on moving homes out of parks
283	Miner	the landlord must disclose to the resident when they enter into the agreement what the conditions are regarding resale
303	Wells	this seems to have been a problem for a while, with parks being allowed to move homes out of the parks
310	Brawner	the tenants in the park want the park owner to maintain a good, clean place to live as loan officers we want to know all the agreements that exist in the rental agreement
330	Brenneman	there are a number of bills this session that we are opposing that mandate that the park owner be responsible for finding a location for vacant homes
340	Shetterly	close public hearing on HB 2968
341	Shetterly	open work session on HB 2968
350	Prozanski	<b>motion: move -3 amendments as conceptually amended by the chair</b>
352	Shetterly	explains the conceptual amendments

355	Shetterly	no discussion; no objections
362	Rep. Prozanski	<b>MOTION: Moves HB 2968 to the full committee with a DO PASS AS CONCEPTUALLY AMENDED recommendation.</b>
370	Shetterly	no discussion; no objection Rep. Uherbelau will carry
374	Shetterly	adjourns meeting at 2:15pm

Submitted by, Reviewed by,

Andrea Terry, David J. Amesbury,

Administrative Support Counsel

**EXHIBIT SUMMARY**

**A - Testimony in support of SB 255 - introduced by Ron Bailey - 2 pages**

**B - -3 amendments to HB 2968 - introduced by Legislative Counsel - 1 page**