

## HOUSE COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS

February 10, 1999 Hearing Room E

8:30 a.m. Tapes 28 - 29

**MEMBERS PRESENT:** Rep. Roger Beyer, Chair

Rep. Dan Gardner, Vice-Chair

Rep. Tim Knopp, Vice-Chair

Rep. Jason Atkinson

Rep. Bill Morrisette

Rep. Terry Thompson

**MEMBER EXCUSED:** Rep. Jackie Winters

**STAFF PRESENT:** Keith Putman, Administrator

Frances Thomas, Administrative Support

**MEASURE/ISSUES HEARD:** HB 2402 Work Session

SB 283 Work Session

HB 2383 Public Hearing

HB 2450 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.

TAPE/#	Speaker	Comments
TAPE 28, A		

002	Chair Beyer	Calls meeting to order at 8:30 a.m.
<b><u>HB 2402 WORK SESSION</u></b>		
008	Chair Beyer	Opens Work Session on HB 2402.
009	Keith Putman	Committee Administrator. Presents the proposed amendment for HB 2402. Presents hand engrossed version of HB 2402. Explains both Oregon Occupational Health and Safety Division (OR-OSHA) and the Oregon Farm Bureau have agreed to the proposed changes.
018	Rep. Knopp	<b>MOTION: Moves to ADOPT HB 2402-2 amendments dated 2/8/99.</b>
019		<b>VOTE: 5-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 ñ Gardner, Winters</b>
	Chair Beyer	<b>The motion CARRIES.</b>
024	Rep. Knopp	<b>MOTION: Moves HB 2402 to the floor with a DO PASS AS AMENDED recommendation.</b>
025		<b>VOTE: 5-0</b>  <b>EXCUSED: 2 ñ Gardner, Winters</b>
	Chair Beyer	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>REP. KNOPP will lead discussion on the floor.</b>
035	Chair Beyer	Closes the Work Session on HB 2402.
<b><u>SB 283 WORK SESSION</u></b>		
037	Chair Beyer	Opens a Work Session on SB 283

045	Putman	Presents overview of SB 283. SB 283 allows technical revision to the Oregon Bank Act. Amends and clarifies filing date requirements. Restores the authority of Department of Consumer and Business Services (DCBS) to share examinations with various agencies including Federal Home Loan Bank Board.
056	Rep. Morrisette	<b>MOTION: Moves to ADOPT SB 283-1 amendments dated 2/5/99.</b>
057		<b>VOTE: 6-0</b> <b>EXCUSED: 1 ñ Winters</b>
	Chair Beyer	<b>Hearing no objection, declares the motion CARRIED.</b>
061	Rep. Morrisette	<b>MOTION: Moves SB 283 to the floor with a DO PASS AS AMENDED recommendation.</b>
062		<b>VOTE: 6-0</b> <b>EXCUSED: 1 ñ Winters</b>
	Chair Beyer	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>REP. ATKINSON will lead discussion on the floor.</b>
	Chair Beyer	Closes the Work Session on SB 283.
<b><u>HB 2383 PUBLIC HEARING</u></b>		
079	Chair Beyer	Opens Public Hearing on HB 2383.
081	Chair Beyer	Explains that HB 2383 is an adverse possession bill. States the proposed amendment would add churches and other tax-exempt properties to the bill. Paraphrases if a person was paying the property taxes they would be safe from adverse possession as would a tax-exempt status.
085	Putman	States that a printed amendment is expected on HB 2383.
100	Carl Myers	Oregon State Bar, Real Estate Section. Submits testimony from Dean N. Alterman, Bogle & Gales ( <b>EXHIBIT A</b> ). Testifies with concerns about changing

		the adverse possession law.
121	Rep. Thompson	Comments about any other states facing similar legislation.
143	Gwen Scholl	Benton County resident. Testifies in favor of HB 2383. Comments about personal situation of adverse possession.
169	Rep. Morrisette	Inquires about the ten-year period mentioned in the law.
175	Putman	Clarifies the ten-year begins at the time the "possessor" begins the action. States putting up a fence would begin the action.
195	Matt Farmer	Attorney, Oregon Association of Realtors. States the clock starts ticking from the time the neighbor started to possess the land in the example. Clarifies it is a "buyer beware" situation.
213	Farmer	Discusses the technicality of current adverse possession law.
259	Putman	Asks if in the case of adversely possessed property on which an individual has been paying taxes, does the tax payer (the person the land was adversely possessed from) have a legal case to recover the tax monies from the adverse possessor.
267	Farmer	Replies generally not. States adverse possession favors the possessor over the title holder/tax payer. Comments on history of adverse possession that provided a legal mechanism by which the medieval peasantry pried the hands of the lords off the land after the dark ages.
303	Chair Beyer	Closes the Public Hearing HB 2383.
<b><u>HB 2450 PUBLIC HEARING</u></b>		
304	Chair Beyer	Opens a Public Hearing on HB 2450.
306	Putman	Presents an overview of HB 2450.
310	Rep. Gardner	Testifies in favor of HB 2450. States HB 2450 would allow employers and employees in the construction trades, through a collective bargaining agreement, to design their own workers' compensation system.
353	Bob Shiprack	Building & Construction Trades Council. Testifies in favor of HB 2450. Reads printed testimony <b>(EXHIBIT B)</b> .

409	Shiprack	Continues testimony on HB 2450. Presents history of program in other states. Explains this is insurance. States SB 2450 would specify who is responsible for a claim, health care or workersi compensation.
<b>TAPE 29, A</b>		
001	Rep. Morrisette	Asks if there are injured workers who are being denied benefits because neither Workersi Compensation nor the health care provider will assume responsibility.
003	Shiprack	Agrees that those are the responsibility issues under question.
028	Chair Beyer	Inquires if this issue could potentially be entered into a labor agreement.
030	Shiprack	Agrees that is could be used in a bargaining agreement. Cites examples in other states.
049	Bill Sikora	Plumbing and Mechanical Contractors Association. Testifies as one of the sponsors and in support of HB 2450.
055	Chris Davie	SAIF Corporation. Testifies in favor of HB 2450. States there may be some details to refine. Comments about concerns of implementation.
115	Rep. Morrisette	Ask for clarification of claims and benefits.
136	Davie	Continues discussion of claims and benefits.
179	Chair Beyer	Closes the Public Hearing on HB 2450.
<b><u>HB 2402 WORK SESSION</u></b>		
180	Chair Beyer	Opens a Work Session on HB 2402.
181	Rep. Knopp	<b>MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. GARDNER to BE RECORDED as voting AYE on the HB 2402.</b>
184	Chair Beyer	Closes the Work Session on HB 2402.
185	Chair Beyer	Adjourns the meeting.

Submitted By, Reviewed By,

FRANCES THOMAS, KEITH PUTMAN,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A ñ HB 2383 written testimony, Carl Myers, 3 pp**

**B ñ HB 2450 written testimony, Bob Shiprack, 2 pp**