

HOUSE JUDICIARY COMMITTEE ON CIVIL LAW

March 09, 1999 Hearing Room 357

1:00 p.m. Tapes 58 - 59

**MEMBERS PRESENT: Rep. Lane Shetterly, Chair**

**Rep. Max Williams, Vice-Chair**

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

**Rep. Vic Backlund**

**Rep. Randall Edwards**

**Rep. Kathy Lowe**

**Rep. Vicki Walker**

**Rep. Larry Wells**

**Rep. Bill Witt**

**STAFF PRESENT: Aaron Felton, Counsel**

**Nancy Richards, Administrative Support**

**MEASURE/ISSUES HEARD: HB 2236**

**HB 2731**

**HB 2877**

**HB 2851**

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 58, A		

004	Chair Shetterly	Calls meeting to order at 1:07 p.m.
<b><u>HB 2851 - PUBLIC HEARING</u></b>		
015	<b>Rep. Floyd Prozanski</b>	<b>State Representative, House District 40</b> Requests that the committee not take action on HB 2851. Discusses the history of HB 2851. HB 2851 provides that proof by owner of residential building that all original contractors were paid by owner of residential building.
051	<b>Mike Scott</b>	<b>Oregon Equipment Rental Association (OERA)</b> Testifies and submits written testimony in opposition to HB 2851 ( <b>EXHIBIT A</b> ). Discusses why the OERA is against HB 2851.
065	<b>John Gervais</b>	<b>Construction Industries Committee</b> Testifies against HB 2851. Expresses his appreciation for the cooperation of Rep. Prozanski regarding amending HB 2851.
074	Chair Shetterly	Closes public hearing.
<b><u>HB 2236 n PUBLIC HEARING</u></b>		
076	Counsel Felton	HB 2236 renames the "Support Enforcement Division" of the Department of Justice to the "Division of Child Support."
083	<b>Ronelle Shankle</b>	<b>Department of Justice, Support Enforcement Division</b> Testifies and submits written testimony in support of HB 2236 ( <b>EXHIBIT C</b> ). Discusses the purpose of HB 2236 and the amendments and why SED supports this bill.
127	Chair Shetterly	Asks if the -1 amendments provide for a transitional phase to allow SED to use both the old name and the new name until it becomes cost effective for the change.
128	Shankle	Yes, that is our understanding.
137	Chair Shetterly	Closes public hearing.
<b><u>HB 2236 - WORK SESSION</u></b>		
140	<b>Rep. Lowe</b>	<b>MOTION: Moves to ADOPT HB 2236-1 amendments dated 03/04/99.</b>

		<b>VOTE: 9-0</b>
	<b>Chair Shetterly</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>142</b>	<b>Rep. Lowe</b>	<b>MOTION: Moves HB 2236-1 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 8-0</b> <b>AYE: 8 - Backlund, Lowe, Uherbelau, Walker, Wells, Williams, Witt, Shetterly</b> <b>EXCUSED: 1 - Edwards</b>
	<b>Chair Shetterly</b>	<b>The motion CARRIES.</b>  <b>REP. BACKLUND will lead discussion on the floor.</b>
<b><u>HB 2877 - PUBLIC HEARING</u></b>		
162	Counsel Felton	HB 2877 authorizes land surveyor's lien for survey prepared at owner's request that is used in construction or for establishing property boundaries.
172	<b>Stephen Kafoury</b>	<b>Professional Land Surveyors of Oregon</b> Testifies in support of HB 2877.
175	<b>Gregory Crites</b>	<b>Professional Land Surveyors of Oregon</b> Testifies in support of HB 2877. Gives a background of the professional land surveyor.
200	<b>Mark Tellhed</b>	<b>Land Surveyor, Lincoln City, Oregon</b> Describes the duties of a land surveyor regarding boundaries in Lincoln County and the cost of surveying boundaries.
255	Kafoury	Describes "common law" liens on property. Discusses other bills that relate to lien rights and how HB 2877 covers these liens.
286	Tellhed	Give examples of survey jobs where liens are needed for boundary surveying.

317	Rep. Uherbelau	Expresses concerns with section (6) on page 1 of ORS 87.005 because it includes a land improvement survey.
345	Kafoury	States that section (6) on page 1 of ORS 87.005 does mean a land improvement survey.
349	Rep. Uherbelau	Discusses the fact that many property owners would not understand the different kinds of survey that are included in HB 2877.
364	Tellhed	States that a boundary survey is one of the most significant improvements to the property because it allows the property owner to know exactly what land they owns.
383	Rep. Uherbelau	Discusses section (6) on page 1 of ORS 87.010 and her concerns of the notice to the public regarding any liens put on property.
410	Kafoury	Discusses the importance of boundary surveys regarding liens in the future.
425	Tellhed	States that Landscape Architect's record of their works is not a requirement, but a boundary surveyor has to record their work. States that improvements that a boundary surveyor makes are more significant than that of a Landscape Architect.
452	Rep. Uherbelau	States that there is a problem with giving a notice of lien to the public. Asks if a provision could be added to HB 2877 that a surveyor would have to give lien notice to the owner of the property.
480	Tellhed	Discusses the recording process of surveying.
<b>Tape 59, A</b>		
040	Tellhed	Discusses the lien process placed on properties.
047	Chair Shetterly	Who regulates land surveyors?
048	Kafoury	The land surveyors are regulated by the Oregon Board of Engineering and Land Surveying.
050	Chair Shetterly	Discusses how the boundary surveys do not relate to construction liens on property as stated in ORS 87.010. Asks if it would make more sense to add "boundary survey" to ORS 87.352 in the section of "real property".
069	Kafoury	States that if it makes more sense to add the words, "boundary survey" to the statute, then it should be added.

072	Chair Shetterly	States that boundary surveying is a distinct process that should not be listed with in the construction lien language.
076	Kafoury	Suggests putting "boundary surveying" in section (5) of ORS 87.010.
078	Chair Shetterly	States that if "boundary surveying" is put in section (5), it would suggest a construction lien instead of an improvement lien. Suggests putting "boundary surveying" in section (6) of ORS 87.010.
087	Kafoury	If you added "boundary surveying" to section (6), then you would have to put all of section (6) somewhere else.
093	Rep. Edwards	Gives an example where boundary surveying shows improvement of property other than construction.
110	Chair Shetterly	States concern about putting "boundary surveying" in two sections which would be the same lien, but a different lien process.
116	Rep. Wells	Suggests putting notice of the property lien on the door when the boundary surveying is completed.
123	Tellhed	Discusses section 5 in ORS 87.010 and how it relates to engineering as well as boundary surveying.
134	Rep. Uherbelau	Discusses that in ORS 87.010, if you leave boundary surveying where it is, it will not give notice to the public. Discusses the purposes of a property lien.
158	Chair Shetterly	Explains that boundary surveying should either come under improvement of land or construction of land in ORS 87.010.
166	Rep. Williams	Explains the process of placing a lien on property.
181	Kafoury	States that it doesn't matter where "boundary surveying" is placed as long as it is included in ORS 87.010.
205	Chair Shetterly	Closes public hearing.
222	Chair Shetterly	Adjourns meeting at 1:50 p.m.

Submitted By, Reviewed By,

Nancy Richards, Aaron Felton,  
Administrative Support Counsel

**EXHIBIT SUMMARY**

**A - HB 2851, Written testimony, Michael Scott, p. 5**

**B - HB 2851, Written testimony, Thomas Akins, p. 3**

**C - HB 2236, Written testimony, Ronelle Shankle, p. 2**

**D - HB 2236-1, Proposed amendment, p. 1**