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CONFERENCE COMMITTEE ON
HB 2963

June 3, 1995 Hearing Room H170
12:45 PM Tape 1

MEMBERS PRESENT:

Rep. Veral Tarno, Chair
Sen. Bill Dwyer
Sen. Rod Johnson
Sen. Bob Kintigh
Rep. John Meek
Rep. Lisa Naito

STAFF PRESENT:

Mark Bauer, Administrator
Anne May, Assistant

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,
please refer to the tapes.

TAPE 1, A

001 OPENS WORK SESSION ON CONFERENCE COMMITTEE FOR HB 2963

Witnesses: Steven Kafory, The Professional Land Surveyors of Oregon

002 CHAIR TARNO discusses concerns among several members of the House about
the issue of trespassing on private property for the purpose surveying.

007 SEN. JOHNSON: Thinks this bill has been around long enough they should
table.

010 SEN. KINTIGH: As an ex-surveyor knows the importance of having access
to the property. Thinks there are enough restrictions in the bill to hold
them in line.

020 CHAIR TARNO: Had a conversation with Mr. Kafory about how feasible it
would be to put an amendment in the bill that would require the surveyor to

post a stake on the property of a land owner whose property he had to
cross.

035 REP. NAITO: Her concern is balancing competing interests. One is the
need of the surveyor to enter someone's land and not be subject to trespass

laws. The other is the interest of a property owner not to have people
coming onto their land. Feels there needs to be notification.

056 SEN. KINTIGH: You don't think sub-four covers it?

057 REP. NAITO: Thinks it's very ambiguous.

062 SEN. JOHNSON: The public surveyors now have the authority to do this whenever they want. Bill would simply give the private surveyors the same authority.

095 SEN. DWYER: Was going to speak to the amendment and hadn't seen it. The kind of survey we're talking about are generally rural surveys, or surveys that relate to forestry.

121 CHAIR TARNO: Do the dash four amendmentsREP. MEEK.

122 REP. MEEK: The dash four amendments only deal with Section 13, sub-four.

125 MOTION: REP. MEEK: Moves the adoption of the HB 2963-B4 amendments.

127 -Wants to make sure that on line 17 in the middle of the sentence the word "and" will be changed to "or" so it will read landowner or occupant; and on line 18 before "written" insert "When the landowner or occupant is not available."

143 CHAIR TARNO: Asks for further discussion.

144 SEN. DWYER: Talks about using Prince Albert cans as notice of property ownership for mining claims, etc.

151 REP. NAITO: Wants clarification of how it will work. No specification as to time frame.

160 SEN. JOHNSON: The last sentence added by the dash four amendments is a posted notice as opposed to a mailed notice.

161 REP. NAITO: Willing to go along with this. Wonders if there might be some way we can have the surveyors report back to the legislature to see how it's working.

166 STEVEN KAFORY, THE PROFESSIONAL LAND SURVEYORS OF OREGON: Thinks REP. NAITO has an excellent suggestion. Would be happy to report back to the next session of the legislature.

179 MOTION: REP. NAITO: Moves a conceptual amendment.

180 CHAIR TARNO: Another notion is on the floor.

181 KAFORY: Points out for the record on line 16, shall not enter upon or establish any permanent survey monument.

189 REP. NAITO: Thinks these amendments raise her comfort level.

190 REP. TARNO: Any further discussion on the HB 2963-B4 amendments? Hearing none the motion CARRIES.

192 REP. MEEK: Put on the record to request the State Board of Engineers expressing their concern and requesting they report back to the legislature

how the bill is working.

201 CHAIR TARNO: Instead of putting this in writing , we're just going to make a request that you people report back to the committee next legislative session.

207 REP. NAITO: Would ask staff to drop a letter to the board from the conference committee members asking them to do this.

210 CHAIR TARNO: Asks Mark Bauer to draft the letter and he will sign it.

211 KAFORY: Who do they report back to.

220 BAUER: It's decided they will report back to the presiding officers.

224 REP. KINTIGH: Wants Mr. Kafory to pass on to the association a caution that they act very professionally and do everything to accommodate land owners.

234 SEN. JOHNSON: Sees a potential legal case being filed over the ambiguity in sentences 18 and 19. Doesn't say whether written notice should be mailed or posted. Proposes they merge the two sentences so it's clear that posted written notice is all that needs to be given, so the surveyor isn't required to find the addresses to give written notice by mail.

255 -Explains the desired amendment to REP. NAITO.

267 REP. NAITO: Perhaps we could say "When the landowner is not available, written notice shall be posted in a conspicuous place where it is most likely to be seen. This written notice shall include the professional surveyors name, address, etc.

277 SEN. JOHNSON: Discusses alternatives for the working of the amendment.

287 CHAIR TARNO: Wants to lock into one piece of language.

289 REP. NAITO: Suggests they amend the sentence starting on line 18 to read as follows: "When the landowner or occupant is not available, written notice shall be posted in a conspicuous place where it is most likely to be seen. This notice shall give the professional land surveyors name, address, telephone number, purpose, and availability of the survey.

312 BAUER: Reads the conceptual amendment.

332 SEN. JOHNSON: Quotes from line 5 of the dash four amendments,

337 CHAIR TARNO: We have conceptually amended the HB 2963-B4 amendments. Any objections?

341 BAUER: Hopes it's not inappropriate for him to bring this up, but legislative counsel pointed out that in subsection 6, on lines 23, 24 & 25 it says that a registered professional land surveyor may use a vehicle to enter upon the land. The language that's used above says "the surveyor or any employee or any agent of the surveyor." It's inconsistent.

360 SEN. JOHNSON: Directs their attention to line 9. It's the same issue.

368 CHAIR TARNO: Asks if there are any objections to the conceptual amendments as outlined? Hearing none, the motion CARRIES.

385 MOTION: SEN. JOHNSON: Moves that on line 24 after the word "surveyor" we add the phrase "or an employee or agent of the surveyor."

388 CHAIR TARNO; Hearing no objections, the motion CARRIES.

395 MOTION: SEN. JOHNSON: Moves the adoption of the CONFERENCE COMMITTEE REPORT and the House concur in the Senate amendments dated May 23, 1995, and that the bill be amended with the HB 2963-B4 and the conceptual amendments as discussed, to be sent to the respective floors with a recommendation to RE-PASS.

400 CHAIR TARNO: Hearing no objections, the motion CARRIES.
ADJOURNS the meeting.

Transcribed by, Reviewed by,

Sandy Ceballos Mark Bauer
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - HB 2963-B4 amendments -- staff -- 1 page