

SENATE COMMITTEE ON
BUSINESS AND CONSUMER AFFAIRS

Hearing Room
Tapes 33&34

MEMBERS PRESENT:

Sen. Bill Kennemer, Chair
Sen. John Lim, Vice-Chair
Sen. Gene Derfler
Sen. Joan Dukes
Sen. William McCoy

MEMBER EXCUSED:

STAFF PRESENT:

Darrell W. Fuller, Committee Administrator
Carol A. Smith, Committee Assistant

MEASURES HEARD:

Introduction of LC's: 3179 3186, 3187, 3188, 3189, 3475, 3496,
3548,3648,
3651, 3694, 3714, 3779 and 3788.
SB 455: Public Hearing
HB 2034: Public Hearing and Work Session
HB 2053: Public Hearing and Work Session
HB 2094: Public Hearing and Work Session
HB 2098: Public Hearing and Work Session
HB 2218: Public Hearing and Work Session.

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 33, A

001 CHAIR KENNEMER calls meeting to order at 3:00 p.m.

004 CHAIR: Announces SB 308 has been signed by Govenor Kitzhaber,
significant because it is the first bill to be signed
into law.this session.

010 CHAIR: OPENS WORK SESSION TO INTO. LC's: 3179 3186, 3187, 3188,
3189, 3475, 3496,
3548,3648, 3651, 3694, 3714, 3779 and 3788.

020 MOTION: SEN LIM MOVES TO INTRODUCE LC's AS COMMITTEE
BILLS,
VOTE: NO OBJECTION, SO ORDERED...

029 CHAIR: Opens PUBLIC HEARING on SB 455.

DARRELL FULLER PRESENTS AN OVERVIEW TO THE BILL AND AMENDMENTS. THEY
REQUIRE
SURVEYOR TO REIMBURSE LANDOWNER FOR DAMGES..

WITNESSES: HEIDE ANDERSON, PROFESSIONAL LAND SURVEYORS OF
OREGON.

JIM FASSB ENDER, PROFESSIONAL LAND SURVEYORS OF
OREGON.

PAT MARQUIS, PIONEER CHAPTER PLSO(?)
D. GARY HUTCHESON, PLSO

046 HEIDE ANDERSON, EXPLAINS PURPOSE OF THE BILL. SEE SMS.gOES OVER THE
PARTICULAR
ITEMS OF THE -1 AMENDMENTS. HANDWRITTEN NOTES HAVE BEEN APPROVED BY THE
COUNSEL, (EXHIBIT B)

ANDERSON: WALKS COMMITTEE THROUGH THE BILL. EXPLAINING SECTIONS AND
INSERTS.

080 JIM FASSB ENDER: PROF. LAND SURVEYORS OF OR. ALLOWS WORK TO BE
COMPLETED
WITHOUT ANY MONETARY EFFECTS ON CLIENT.

104 SEN. MCCOY: ASKS FOR CLARIFICAATION OF MONETARY PROBLEMS IN THE PAST.

112 FASSB ENDER: EXPLAINS..

114 SEN. MCCOY: QUESTION REGARDING DANGER TO SURVEYOR.

124 FASSB ENDER: aLO\LOWS US TO ENTER THE PROPERTY.

131 SEN. LIM: QUESTION REGARDING IDENDIFICATION PROCEDURE.

134 FASSB ENDER: GIVES DETAILS AND EXAMPLE OF PRECAUTIONS TAKEN..

146 SEN. LIM: SUGGESTION REGARDING CARRYING ID.

LIM: QUESTION TO HEIDE ANDERSON; RE. MONETARY DAMAGES.

158 ANDERSON: GIVES EXAMPLES.

160 CHAIR: SUGGESTS BOARD HAS SOME AUTHORITY TO HELP HERE.

169 ANDERSON: OUTLINES EXISTING AUTHORITY.

170 SEN. DUKES: QUESTION: HOW DO WE DEFINE ATTEMPTED TO GIVE NOTICE. IN
THIS REGARD..

194 ANDERSON: SAYS BILL APPLIES TO LARGE DIVISIONS WHERE OWNERSHIP IS
COMPLEX AND
WIDESPREAD.

204 SEN. DUKES: AGAIN REFERS TO INABILITY TO BE PRESENT WHEN A SURVEYOR IS
PRESENT..

213 FASSB ENDER: EXPLAINS WHAT IS THEIR CURRENT PRACTICE WHEN HOMEOWNER
LOCAL.

221 SEN. DUKES: HOW DO WE REASSURE THAT ENTRY DOES NOT OCCUR.

234 ANDERSON: STATES PERSONAL CONTACT IS PURSUED WHEN EVIDENT THAT SOMEONE
IS
LIVING THERE.

245 SEN DUKES: AGAIN GIVES AN EXAMPLE OF SURVEYOR HAVING DISTURBED THE
PROPERTY,
FENCE POST DOWN. WISHES A BETTER JOB TO BE DONE IN ATTEMPT TO NOTIFY
PROPERTY
OWNER..

248 CHAIR: THAT DOES NEED TO BE ADDRESSED. (DUKES CONCERNNS) IN THIS
LEGISLATION.

270 SEN. LIM: SAYS THERE HAVE BEEN INCIDENCES NOTED WHERE THIS HAS
HAPPENED, WHERE
SURVEYOR CLAIMS TO HAVE NOTIFIED THE PROPERTY OWNER.

286 FASSB ENDER: HAS NOT BEEN INFORMED OF THESE INSTANCES.

294 PAT MARQUIS, PIONERR CHAPTER ,PLSO. REPRESENTING PACIFIC
SPEAKS IN SUPPORT OF SB 455. EXPLAINS IS AN ATTEMPT TO ASSIST SURVEYOR IN
EVERYDAY
LIFE. EXPLAINS DIFFICULTY TO LOCATE MONUMENTS, WITHT ACCESS DOES NOT WANT
TO
PLACE ADDITIONAL BURDEN ON THE LAND SURVEYOR.

349 GARY HUTCHISON, PLSO, representing Waker assoc. Inc. in SUPPORT OF THE
BILL. ALSO MENTIONS
GETTING INTO THE ...CORNERS TO BE ABLE TO ESTABLISH THEIR RECORDS.

376 CHAIR: DOES GOVERNMENT HAVE REQUIREMENT TO GIVE NOTICE..
.
HUTCHISON: NO.

??? JERRY JUSTICE, ORE ASSOCIATION OF.... AND ENGINEERS. SPEAKING IN
SUPPORT OF THE BILL.
ONE: COUNTY SURVERORS RECEIVE BENEFIT AND THEIR WORK IS MORE EFFIC. AND
ACCURATE,
IF DOCUMENTS HAVE MOST
ACCURATE FURTHER FROM EXISTING CORNER, THE GREATER MARGIN OF ERROR.

433 CHAIR: FURTHER TESTIMONY. WOULD LIKE TO HAVE FURTHER WORK DONE ON IT.

000 CHAIR: Closes PUBLIC HEARING on SB 455.

000 CHAIR: Opens PUBLIC HEARING on HB 2034

DARRELL FULLER GIVES OVERVIEW OF BILL. MINIMAL FISCAL IMPACT?

WITNESS: MARY ALICE BJORK, OF...
DEPUTY ? CHARLES NICKOLAFF
KEITH BURNS

020 MARY ALICE GIVES PURPOSE OF THE BILL. EXPLAINS THE PROBLEMS IN LIFE
INSURANCE
COMPANIES. PROBLEM IS BILLING IN DISTANT FUTURE FOR PREMIUM.

055 MARY ALICE CONTINUES: THE BILL WOULD GRANT AUTHORITY TO...

062 SEN. DERFLER: HOW OFTEN DOES THAT HAPPEN.

064 CHARLES NICKOLAFF: TESTIFIES; RELATIVELY FEW, BUT MAY AFFECT HUNDREDS
OF POLICY
HOLDERS. BILL MAKES IT INCUMBENT UPON POLICYHOLDER TO RESPOND TO THIS.

080 SEN. DERFLER: INSURANCE POLICIES DO NOT?

085 SEN. DUKES: INSURANCE COMPANY HAS TO HAVE BOTH OWNER AND INSURANCE
COMPANY
APPROVAL.

091 MARY ALICE: MOSTOF THE TIME THEY...

095 SEN. DUKES: QUESTION REGARDING CIRCUMVENTING RESPONSIBILITY.

100 SEN. LIM: CAN POLICYHOLDER OPT OUT.

106 MA: YES, CAN OPT OUT. AND FURTHER EXPLAINS. GIVES EXAMPLES OF WHY CO.
WOULD WANT
TO DO THIS.

114 SEN. LIM: MEANT, CAN OWNER OPT OUT.

117 MA: EXPLAINS DEPENDS ON THE CONTRACT WITH OWNER..

120 SEN. DUKES: IS THIS ONLY LIFE INSURANCE.

127 MA: OWNER CAN .
.

134 ??CHAIR: WRITTEN TESTIMONY TO BE SUBMITTED.

138 WITNESS: KEITH BURNS, SOMETHING LIFE INSURANCE. IN SUPPORT OF BILL.

IS A MODEL BILL,
HOOPES IT WILL BRING CONSISTENCY. A YEAAR GOES BY BEFORE FINAL NOTICE IS
GIVEN
THEN THEY CAN TRANSFER TO ANOTHER CARRIER. BOTH COMPANIES ARE AUDITED SO
THERE
WOULD BE (PARITY).

172 CHAIR: Closes PUBLIC HEARING on HB 2034.

CHAIR: Opens WORK SESSION on HB 2034.

MOTION: SEN. DERFLER MOVES HB 2034 to floor DO PASS
recommendation.

VOTE: MOTION CARRIES
ALL AYES.
CARRIER: LIM

191 CHAIR: Opens PUBLIC HEARING on HB 2053.

198 DARRELL FULLER gives overview on the bill.

200 WITNESSES: LYNN PARFIN: MHCO (?) hcs dept.

224 LYNN PARFIN; Explains bill, improves customer service. (see SMS for
overview of bill and add here.)

245 CHAIR: QUESTION; HJOW MANY JURISDICTIONS ARE INVOLVED..

248 PARFIN: RESPONDS, GIVES FIGURES (SOMETHING DOUBLED). ...THE CONTACTS
ARE VERY
LENGTHY.

271 SEN. DERFLER: QUESTION WHAT ARE MOST CALLS ON..AND OTHER COMMENT.

293 PARFIN: TALKS ABOUT VACANCY RATES; TRIES TO MAKE USE OF STAFF TIME.
WILL SAVE
FUNDS BECAUSE A TEMP IS BROUGHT IN TO HELP OCCASIONALLY. GIVES NUMBERS OF
HOUSE
VOTE ON PASSAGE OF THE MEASURE.

314 CHAIR:

332 JOHN BRENNEMAN: TESTIFIES IN SUPPORT OF THE BILL. REFERS TO ANOTHER AREA
WHERE
FUNDS ARE SPENT ON GOVERNMENT MANDATES. HOPES FOR FURTHER LEGISLATION IN
THOSE AREAS.

367 CHAIR: Closes PUBLIC HEARING on HB 2053..

. CHAIR: Opens WORK SESSION on HB 2053 .

MOTION: SEN.? MOVE TO FLOOR WITH DO PASS; ALL AYES..

VOTE: MOTION CARRIES
AYE: ALL AYES
CARRIER: LIM

390 CHAIR: Closes WORK SESSION on HB 2053

. CHAIR: OPENS PUBLIC HEARING ON 2094

405 DARRELL FULLER GIVES OVERVIEW OF THE MEASURE.

WITNESSE: ED GRAHM, EX. SEC. OF OREGON BOARD OF EXAMINERS. EXPLAINS THIS
IS A
.(something) .BILL.

TAPE 33, SIDE B

*****EXHIBIT 2094 IS EX. C(what does this mean?)

000 ED GRAHMCONTINUES GIVING EXPLANATION OF BILL AND REQUIREMENTS. THIS
WILL
ALLOW BOARD TO ADOPT ADMINISTRATIVELY; TAKES PLACE IN 1999.

017 CHAIR: ANY QUESTIONS.

CHAIR: Closes PUBLIC HEARING on SB 2094.

CHAIR: Opens WORK SESSION on SB 2094

MOTION: SEN DUKES MOVES SB 2094 to floor with DO PASS
recommendation.

VOTE: MOTION CARRIES
ALL AYES, PASSES
CARRIER: DUKES

032 CHAIR: Closes WORK SESSION on SB 2094

CHAIR: Opens PUBLIC HEARING on HB 2098.

046 DARRELL FULLER; GIVES OVERVIEW OF THE BILL.

ED GRAHM: EXPLAINS THE BILL. CHANGES THE NAME OF THE BOARD TO INCLUDE
LAND
SURVEYING IN THE NAME. BOARD HAS AGREED TO THE CHANGE IN THE NAME. 9XHIBIT
D)

074 SEN. DERFLER: QUESTION REGARDING CERTIFIED

079 ED GRAHM: EXPLAINS ENROLLED AND INTERNSHIP. CHANGE BY LEGISLATIVE
COUNSEL.

084 CHAIR: Closes PUBLIC HEARING on HB 2098.

CHAIR: Opens WORK SESSION on HB 2098.

MOTION: SEN. DUKES MOVES HB 2098 to floor with DO PASS
recommendation.

VOTE: PASSES

AYE: DERFLER, DUKES, MCCOY, LIM & KENNENMER.
NAY: NONE
CARRIER: MCCOY.

000 CHAIR: Closes WORK SESSION on HB 2098.

100 CHAIR: Opens PUBLIC HEARING on A-ENGROSSED HB 2218.

***** (EXHIBITS TURNED IN EARLIER, EX.NO.?)

WITNESSES: STAN MAYFIELD, REAL ESTATE AGENCY.
WROSCH, TOM, CORPORATION DIV., SEC. OF STATE

143 WITNESS: QUESTION FROM.....(missed who and question.)

149 SEN. DERFLER: HOW OFTEN DO THEY CHANGE??

150 MAYFIELD. ANSWERS QUESTION. FROM DERFLER. DATES OF FORMATION OF CONDO.
ASSOC.
ENTERED INTO THE FILINGS.

174 TOM WROSCH: REMARKS RELATE MORE TO ACTIVE FILINGS; RELATES TO OVER
1,000
CONDOS THAT EXIST. SIMPLY ARE NOT GETTING FILINGS. WE ARE GETTING THE
POST 1989
CONDO. ASSOCIATIONS.

194 SEN. DERFLER: THEN WHY ARE WE CONTINUING THE PROGRAM IN VIEW OF THE
NUMBERS..

204 MAYFIELD: MOST WERE FILED POST 1989. WE DON'T HAVE A DATA BASE TO LET
PEOPLE
KNOW THEY NEED TO COME IN AND FILE.

224 SEN. DERFLER: WHY, WHEN THE DATABASE IS SO SMALL.

226 MAYFIELD: YES THAT IS TRUE, THE PURPOSE OF THE BILL WAS TO TRANSFER
FROM SEC. OF
STATES OFFICE TO REAL ESTATE DIVISION..

231 CHAIR: WHY ARE WE ASKING TO PEOPLE TO DO THIS.

242 MAYFIELD: HIS UNDERSTANDING WAS PEOPLE WHO NEED TO DEAL WITH ASSOC. TO
HAVE
READY ACCESS. CANNOT DENY THAT THIS IS A LARGE DATABASE AT THIS TIME.
CLAIMS 2 OR 3
A MONTH. YOU ARE ABLE TO ANSWER ONLY 10 PER CENT OF THE CALLS.

265 (SENATORS MCCOY AND CHAIR KENNEMER LEAVE THE HEARING ROOM; VICE-CHAIR
LIM NOW
CHAIRS THE HEARING.)

274 SEN. DUKES. ARE THEY REQUIRED TO FILE.

275 MAYFIELD: AFTER 1989, YES, BUT THEY DIDN'T./

280 DUKES: DO THEY KNOW THEY ARE REQUIRED TO DO THIS.

281 MAYFIELD, YES. SOME PEOPLE HAVE CHOSEN NOT TO.

301 MAYFIELD: WE ARE GOING TO MAKE IT A REQUIREMENT THAT THEY MUST DO A
FILING..

310 SEN DUKES: ANY IDEA OF HOW LONG.

314 MAYFIELD: CANNOT SAY THEY WILL EVER GET 100 % ON THESE.

324 MAYFIELD: APPROXIMATELY 1600 YEAR..

330 SEN. DUKES: REITERATES THE PURPOSE OF THE BILL.

338 VICE-CHAIR LIM: FURTHER QUESTIONS.

VICE-CHAIR LIM: Close PUBLIC HEARING on A-ENGROSSED HB 2218.

VICE-CHAIR LIM: Opens WORK SESSION on A ENGROSSED HB 2218.

MOTION: SEN. DUKES MOVES HB 2218 to floor with DO PASS
recommendation.

(VOTE: SEE BELOW:)

****(listen to tape to see who asked, and ask ANNE MAY OR ADR. how to
phrase this:

vote was interrupted to ask witness question. regarding fees. self
supporting,

VOTE: MOTION PASSES.

AYE: DERFLER, DUKES & LIM
EXCUSED: KENNEMER & MCCOY.
CARRIER: LIM

VICE-CHAIR LIM: Closes the WORK SESSION on HAND ENGROSSED HB 2218.

VICE-CHAIR LIM Adjourns the meeting at 4:30 p.m.

Additional testimony submitted after the meeting by Ray Gribling,
representing Oregon Cemetery Association
(EXHIBIT E).

Submitted by, Reviewed by,

Carol A. Smith Darrell W. Fuller
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Testimony on HB 2218 -Tom Wrosch, Corporation Division - 1 page

B - Testimony on HB 2034 A-Engrossed, Keith Burns - 1 page
C - Testimony on HB 2094 - Ed Graham, Board of Engineering - 1 page
D - Testimony on HB 2098 - Ed Graham, Board of Engineering - 1 page
E - Testimony on SB 479 - Ray Gribbling 1 page