

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	9 - 0 - 0
Yeas:	Clem, Dallum, Greenlick, Komp, Krummel, Lim, Roblan, Whisnant, Buckley
Nays:	0
Exc.:	0
Prepared By:	Derrick Olsen, Administrator
Meeting Dates:	3/16, 4/06

WHAT THE MEASURE DOES: Prohibits application of adverse possession to extinguish or diminish real property interest of school districts, education service districts, or public post-secondary institutions, as well as the Oregon School for the Deaf and the Oregon School for the Blind.

ISSUES DISCUSSED:

- Definition of adverse possession
- City and county property protected in statute from adverse possession
- State property protected under common law from adverse possession
- Need to include education service districts (ESDs) in bill
- School for the Deaf, School for the Blind, neighboring private property owners, and students at the schools

EFFECT OF COMMITTEE AMENDMENT: Adds education service districts to the list of institutions in the bill against whose real property interests adverse possession cannot be applied.

BACKGROUND: Adverse possession, according to Black's Law Dictionary, is "the use or enjoyment of real property with a claim of right when that use or enjoyment is continuous, exclusive, hostile, open, and notorious," and further defines adverse possession as "the doctrine by which title to real property is acquired as a result of such use or enjoyment over a specified period of time." Oregon Revised Statutes (ORS) 105.620 covers acquiring title by adverse possession.

According to Legislative Counsel, adverse possession is prohibited against state-owned land under common law. Adverse possession is also specifically prohibited against land owned by cities (ORS 221.750) and counties (ORS 275.027) in Oregon law. HB 2676-A would add in statute a prohibition on adverse possession against real property interests of school districts, education service districts, community colleges, and public universities, as well as the Oregon School for the Deaf and the Oregon School for the Blind. It would become effective January 1, 2008.

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This summary has not been adopted or officially endorsed by action of the committee.