

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass the A-Engrossed Measure
Vote:	3 - 0 - 2
Yeas:	Beyer, Prozanski, Burdick
Nays:	0
Exc.:	Kruse, Walker
Prepared By:	Matt Kalmanson, Counsel
Meeting Dates:	5/30

WHAT THE MEASURE DOES: Establishes that the property rights of public educational institutions cannot be extinguished or diminished by adverse possession. Applies to: (1) education service districts; (2) school districts; (3) certain public schools for the deaf and the blind; (3) the Oregon University system; (4) Oregon's public community colleges; and (5) OHSU (Oregon Health and Science University).

ISSUES DISCUSSED:

- Definition of adverse possession
- Common law and statutory exceptions to adverse possession statute
- Experience of Clackamas School District

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 105.620 permits a person to acquire property by "adverse possession" if: (a) the person maintained actual, open, notorious, exclusive, hostile and continuous possession of the property for a period of 10 years, and (b) the person honestly and reasonably thought that he or she was the rightful owner of the property. There are a few theories behind the doctrine, one being that it rewards the productive use of land while penalizing property owners who sleep on their rights. In any event, public land cannot be acquired through adverse possession, and specific statutes prohibit adverse possession claims as against cities (ORS 221.750) and counties (ORS 275.027). HB 2676 A would provide another statutory exception for real property interests owned by the entities described above.