

2007 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 3540

STATUS: C-Engrossed

SUBJECT: Modifies processing of claims and clarifies provision related to Measure 37. Referring to special election.

GOVERNMENT UNIT AFFECTED: Oregon Secretary of State

PREPARED BY: Dawn Farr

REVIEWED BY: Susie Jordan

DATE: May 31, 2007

EXPENDITURES: See Comments.

REVENUES: See Comments.

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: The measure would refer for voter approval proposed changes to the implementation of Measure 37 (2004). Proposed changes include modifications to the process for compensation of landowners for lost value due to land use regulations created in Ballot Measure 37; allowances for persons who have already submitted a claim for compensation on land entirely outside an urban growth boundary and city limits to select one of three pathways: the unconditional path, the conditional pathway or a pathway that allows the claimant to continue to pursue their claim under Ballot Measure 37 in its current form in court; provisions for transferability of development rights granted through the express and conditional pathways; revisions to Ballot Measure 37 processes for claims against future land use regulations; limitations for relief under Ballot Measure 37 to development rights for home sites for single family dwellings or monetary compensation; creation of position of Compensation and Conservation Ombudsman in the Land Conservation and Development Commission to assist landowners with submission of claims; and clarification of other provisions within Ballot Measure 37. The measure declares an emergency and takes effect upon passage.

The Secretary of State's Office projects a total cost of \$1.6 to \$1.8 million General Fund for a special election based on similar elections in 2002 and 2003 adjusted for inflation. The fiscal impact includes \$250,000 to publish the state voters' pamphlet, and County costs which are anticipated to be \$1.4 to \$1.6 million. The final fiscal for a special election will be impacted by: 1) whether counties or local jurisdictions place measures or candidates on the ballot, and 2) the complexity of the issue, which impacts the size of the voters' pamphlet as more arguments in support and opposition are filed. HB 2083 will set the date and related parameters for the special election.

The Legislative Fiscal Office assumes that the Secretary will seek a General Fund appropriation from the Emergency Board or the Legislative Assembly when the actual election costs are known. This is generally two months after the election results are certified.