

Enrolled
House Bill 3546

Sponsored by Representative MACPHERSON, Senator PROZANSKI

CHAPTER

AN ACT

Relating to an extension of time for review of demands for compensation by reason of land use regulations; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) As used in this section:

- (a) "Claimant" means a person that makes a Measure 37 claim.
- (b) "Measure 37 claim" means a written demand for compensation under ORS 197.352.
- (c) "Land use regulation" has the meaning given that term in ORS 197.352.
- (d) "Owner" has the meaning given that term in ORS 197.352.
- (e) "Public entity" has the meaning given that term in ORS 197.352.

(2) Notwithstanding ORS 197.352 (4) and (6), if a Measure 37 claim was made on or after November 1, 2006:

(a) Just compensation under ORS 197.352 is due the owner of the property from the public entity only if the land use regulation continues to be enforced against the property 540 days after the Measure 37 claim is made to the public entity; and

(b) The owner of the subject property has a cause of action for compensation under ORS 197.352 (6) only if a land use regulation continues to apply to the subject property more than 540 days after the Measure 37 claim is made.

(3) If a claimant is an individual, the ability to make or prosecute a Measure 37 claim is not affected by the death of the claimant during the extended review period provided by subsection (2) of this section, and the ability to make or prosecute a Measure 37 claim for property that belonged to the claimant passes to the person who acquires the property by devise or by operation of law.

SECTION 3. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by House May 4, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate May 9, 2007

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President of Senate

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State