

**A-Engrossed**  
**House Bill 3546**

Ordered by the House April 26  
Including House Amendments dated April 26

Sponsored by Representative MACPHERSON, Senator PROZANSKI

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows public entity additional [\_\_\_\_\_] **360** days to review and act on certain Measure 37 claims before property owner is entitled to just compensation and may file civil action. [*Requires public entity to issue waiver to certain Measure 37 claimants for specified uses if public entity determines that claimant is otherwise entitled to waiver and claimant releases any other claim under Measure 37.*]

Appropriates moneys from General Fund to Department of Land Conservation and Development for costs of reviewing Measure 37 claims during extended review period.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to an extension of time for review of demands for compensation by reason of land use  
3 regulations; appropriating money; and declaring an emergency.

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

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

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

7 (a) **"Claimant" means a person that makes a Measure 37 claim.**

8 (b) **"Measure 37 claim" means a written demand for compensation under ORS 197.352.**

9 (c) **"Land use regulation" has the meaning given that term in ORS 197.352.**

10 (d) **"Owner" has the meaning given that term in ORS 197.352.**

11 (e) **"Public entity" has the meaning given that term in ORS 197.352.**

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

14 (a) **Just compensation under ORS 197.352 is due the owner of the property from the**  
15 **public entity only if the land use regulation continues to be enforced against the property**  
16 **540 days after the Measure 37 claim is made to the public entity; and**

17 (b) **The owner of the subject property has a cause of action for compensation under ORS**  
18 **197.352 (6) only if a land use regulation continues to apply to the subject property more than**  
19 **540 days after the Measure 37 claim is made.**

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

25 **SECTION 3. There is appropriated to the Department of Land Conservation and Devel-**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **opment, for the biennium beginning July 1, 2007, out of the General Fund, the amount of**  
2 **\$100,000 for the purpose of paying the costs of the department related to review of written**  
3 **demands for compensation under ORS 197.352 during the extended review period provided by**  
4 **section 2 of this 2007 Act.**

5 **SECTION 4. This 2007 Act being necessary for the immediate preservation of the public**  
6 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
7 **on its passage.**

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