

**75th OREGON LEGISLATIVE ASSEMBLY – 2010 Special Session
BUDGET REPORT AND MEASURE SUMMARY**

MEASURE: SB 1049-B

JOINT COMMITTEE ON WAYS AND MEANS

**Carrier – House: Rep. Komp
Carrier – Senate: Sen. Prozanski**

Action: Do Pass the A-Engrossed Measure as Amended and Be Printed B-Engrossed

Vote: 23 – 0 – 1

House – Yeas: Barker, Buckley, Cowan, Edwards, Garrard, Gilman, Jenson, Komp, Kotek, Nathanson, Richardson, G. Smith

– Nays:

– Exc:

Senate – Yeas: Bates, Courtney, Edwards, Girod, Johnson, Monroe, Nelson, Shields, Verger, Whitsett, Winters

– Nays:

– Exc: Kruse

Prepared By: Lisa Pearson, Department of Administrative Services

Reviewed By: Laurie Byerly, Legislative Fiscal Office

Meeting Date: February 17, 2010

Agency

Department of Land Conservation and Development

Budget Page

LFO Analysis Page

Biennium

2009-11

Budget Summary

	2009-11 Legislatively Adopted Level	2010 Committee Recommendation	Committee Change from 2009-11 Leg. Adopted	
			\$\$ Change	% Change
Other Funds	\$ 863,649	\$ 1,610,556	\$ 746,907	86.48%

Position Summary

Authorized Positions	90	98	0	
Full-time Equivalent (FTE) positions	74.81	77.56	3.00	

Summary of Revenue Changes

Senate Bill 1049 includes a \$2,500 claims application fee for certain land use relief claims. Based on the Department of Land Conservation and Development's (DLCD) estimate of 300 claims, the fee will generate \$750,000 in the 2009-11 biennium; the fee ends after the 2009-11 biennium.

Summary of Committee Action

SB 1049 amends Ballot Measure 49 (2007); that measure amended an earlier ballot measure [Ballot Measure 37 (2004)] that allowed owners whose property value was reduced by land use regulations to claim compensation or waivers of land use regulations from state and local government. Ballot Measure 49 authorizes Measure 37 claimants to develop up to three homesites on their property under certain conditions. Measure 49 was amended in by HB 3225 (2009) to allow several categories of Measure 37 claimants to participate who did not initially qualify. SB 1049 further amends Measure 49 by allowing two other categories of Measure 37 claimants to participate in the state claims process: claimants who filed only with the county and claimants who failed to provide an appraisal or adequate appraisal. SB 1049 also would provide relief to claimants who acquired property between 1975 and the date of the county's acknowledged land use plan qualify for. The first two categories of additional claimants would be able to add one additional dwelling, while the last group of claimants could add up to three dwellings.

The bill also establishes a \$2,500 fee for these claims to cover processing costs. It clarifies transferability to family members and DLCD's standing Measure 49 litigation, and establishes a deadline of June 30, 2011 for final claims processing for the new claims (a June 30, 2010 deadline applies to most other claims).

The Committee on Ways and Means approved an increase in Other Funds expenditure limitation of \$746,907 and the extension of seven existing limited duration positions (3.00 FTE) to process an estimated 300 potential additional claims. The \$2,500 claim application fee would provide the revenue to cover the costs. Minimal initial costs would be absorbed by the agency's existing Measure 49 claims processing General Fund budget until fee revenue is realized.