

Joint Committee on Ways and Means

Carrier – House: Rep. Huffman
Carrier – Senate: Sen. Thomsen

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass

Vote: 24 – 0 – 1

House

Yeas: Beyer, Buckley, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, Richardson,
G. Smith, Thatcher, Whisnant

Nays:

Exc: Nolan

Senate

Yeas: Bates, Devlin, Edwards, Girod, Johnson, Monroe, Nelson, Thomsen, Verger, Whitsett, Winters

Nays:

Exc:

Prepared By: Laurie Byerly, Legislative Fiscal Office

Meeting Date: June 8, 2011

WHAT THE MEASURE DOES: Allows person to file request for reconsideration of claim under Ballot Measure 49 (2007) if person's date of acquisition of property was affected by conveyance of property and person reacquired property within 10 days after conveyance. Requires Department of Land Conservation and Development (Department) to inform claimant of opportunity to request reconsideration. Stipulates if claimant files request for reconsideration within 60 days of notice, Department must reconsider eligibility of relief.

ISSUES DISCUSSED:

- Six or seven claims potentially available for reconsideration
- Could curtail current litigation
- Fiscal dependent on number of claims reconsidered

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: In 2004, voters passed Ballot Measure 37 which required that a property owner be paid compensation for reduced property value resulting from a state or local land use regulation that took effect after the claimant took ownership of the property. Measure 49 was approved by the voters in 2007 to clarify and revise the claims process developed under Ballot Measure 37.

Under Measure 49, a claimant's property acquisition date is the date the claimant became the owner according to deed records. Some property owners had briefly conveyed their property to a third party (usually an attorney) in order to correct a defect or other issue in the title. The date the owner reacquired the property became the new ownership date and potentially affected Measure 49 eligibility. The bill allows for this type of conveyance and reacquisition to not affect the ownership date, as long the transaction occurs within a 10-day period.