

SB 5531
Land Use Board of Appeals

Senate Bill 5531 is the budget bill for the Land Use Board of Appeals. The Board has exclusive jurisdiction to hear appeals of land use decisions made by state agencies, local governments, and special districts. The Board was established in 1979 to provide prompt, professional, and efficient resolution of land use issues and to create a consistent body of land use law.

The Natural Resources Subcommittee approved a total budget of \$1.6 million and 6 full time positions. The budget is 18.6% higher than the 2011-13 legislatively approved budget and includes restoration of the Board's staff attorney position.

The Subcommittee approved the agency's key performance measures.

Your Natural Resources Subcommittee recommends SB 5531 be amended and reported out do pass, as amended.

**77th OREGON LEGISLATIVE ASSEMBLY – 2013 Session
BUDGET REPORT AND MEASURE SUMMARY**

JOINT COMMITTEE ON WAYS AND MEANS

MEASURE: SB 5531-A

Carrier – House: Rep. Bailey

Carrier – Senate: Sen. Edwards

Action: Do Pass as Amended and be Printed A-Engrossed

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: Lisa Pearson, Department of Administrative Services

Reviewed By: Susie Jordan, Legislative Fiscal Office

Meeting Date: May 17, 2013

Agency

Land Use Board of Appeals

Biennium

2013-15

Budget Summary*

	2011-13 Legislatively Approved Budget ⁽¹⁾	2013-15 Current Service Level	2013-15 Committee Recommendation	Committee Change from 2011-13 Leg. Approved	
				\$\$ Change	% Change
General Fund	\$ 1,295,278	\$ 1,448,572	\$ 1,551,697	\$ 256,419	19.8%
Other Funds	\$ 83,620	\$ 85,648	\$ 84,328	\$ 708	0.8%
Total	\$ 1,378,898	\$ 1,534,220	\$ 1,636,025	\$ 257,127	18.6%

Position Summary

Authorized Positions	5	5	6	1
Full-time Equivalent (FTE) positions	5.00	5.00	5.75	0.75

(1) Includes adjustments through December 2012.

* Excludes Capital Construction expenditures

Summary of Revenue Changes

Over 90 percent of the Land Use Board of Appeals 2011-13 biennium budget revenue is General Fund. The remainder is Other Funds from filing fees, publications sales and other miscellaneous fees. No adjustments to Other Funds revenues are expected.

Summary of Natural Resources Subcommittee Action

The Land Use Board of Appeals (LUBA) hears appeals of land use decisions made by state agencies, special districts, and local governments. The Board was created by legislation in 1979 to ease the workload in the court system and provide a forum to resolve land use disputes quickly and consistently. The Natural Resource Subcommittee approved a budget of \$1.64 million total funds, including \$1.55 million General Fund and \$0.08 million Other Funds. The approved budget is an 18.6 percent total funds increase and a 19.8 percent General Funds increase from the 2011-13 legislatively approved budget. It includes six positions and 5.75 FTE. The budget maintains service levels at the 2011-13 Legislatively Approved Budget level and restores a staff attorney position phased in after six months that was eliminated as part of budget reductions in the 2011 legislative session.

The Subcommittee recommended package 091: Statewide Administrative Savings. This package is a placeholder for administrative efficiencies in finance, information technology, human resources, accounting, payroll, and procurement expenditures. The Department of Administrative Services will continue to work on details of these reductions with agencies and report back during the 2014 session.

Package 092: PERS Taxation Policy was approved; this package reflects the policy change in SB 822 that eliminates the increased retirement benefits resulting from Oregon income taxation of payments if the person receiving the payments does not pay Oregon income tax on those benefits and is not an Oregon resident. This change reduces state employer contribution rates by approximately 0.30 percent.

The Subcommittee recommended package 093: Other PERS Adjustments. This package reflects the policy change in SB 822 that modifies the cost-of-living adjustment under the Public Employees Retirement System. This change reduces state employer contribution rates by approximately 2.2 percent.

An administrative action by the PERS Board, as directed by a budget note in the SB 822 budget report, will reduce state employer contribution rates by up to an additional 1.9 percent. However, no employer rate is reduced below its 2011-13 biennium rate.

The Subcommittee approved package 101: Restore Staff Attorney, which provides \$0.14 million General Fund for one staff attorney position (0.75 FTE). The 2011-13 biennium budget eliminated the position after the staff attorney was laid off as part of 2009-11 biennium allotment reductions. The restoration of the position assumes that as the state economy recovers the numbers of appeals to LUBA will significantly increase.

Summary of Performance Measure Action

See attached Legislatively Adopted 2013-15 Key Performance Measures form.

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

SB 5531-A

Land Use Board of Appeals
Lisa Pearson -- 503-373-7501

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
2011-13 Legislatively Approved Budget at Dec 2012	\$ 1,295,278	\$ 0	\$ 83,620	\$ 0	\$ 0	\$ 0	\$ 1,378,898	5	5.00
2013-15 ORBITS printed Current Service Level (CSL)	\$ 1,448,572	\$ 0	\$ 85,648	\$ 0	\$ 0	\$ 0	\$ 1,534,220	5	5.00
SUBCOMMITTEE ADJUSTMENTS (from CSL)									
010 - General Program									
Package 092: PERS Taxation Policy									
Personal Services	\$ (3,545)	\$ 0	\$ (147)	\$ 0	\$ 0	\$ 0	\$ (3,692)	0	0.00
Package 093: PERS Taxation Policy									
Personal Services	\$ (28,330)	\$ 0	\$ (1,173)	\$ 0	\$ 0	\$ 0	\$ (29,503)	0	0.00
Package 101: Restore Staff Attorney									
Personal Services	\$ 123,674	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 123,674	1	0.75
Services and Supplies	\$ 11,326	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 11,326		
TOTAL ADJUSTMENTS	\$ 103,125	\$ 0	\$ (1,320)	\$ 0	\$ 0	\$ 0	\$ 101,805	1	0.75
SUBCOMMITTEE RECOMMENDATION *	\$ 1,551,697	\$ 0	\$ 84,328	\$ 0	\$ 0	\$ 0	\$ 1,636,025	6.00	5.75
% Change from 2011-13 Leg Approved Budget	19.8%	0.0%	0.8%	0.0%	0.0%	0.0%	18.6%	20.0%	15.0%
% Change from 2013-15 Current Service Level	7.1%	0.0%	-1.5%	0.0%	0.0%	0.0%	6.6%	20.0%	15.0%

Legislatively Approved 2013-2015 Key Performance Measures

Agency: LAND USE BOARD of APPEALS

Mission: To provide an accessible forum for resolving land use disputes quickly and efficiently and make LUBA decisions available as a decision making resource to state and local legislators, land use decision makers, property owners and the citizens of Oregon.

Legislatively Proposed KPMs	Customer Service Category	Agency Request	Most Current Result	Target 2014	Target 2015
1 - TIMELY RESOLVE APPEALS - Percentage of appeals of land use decisions that are resolved within statutory deadlines or, if all parties agree, with no more than a 7 day extension of the statutory deadline.		Approved KPM	90.00		
2 - TIMELY SETTLE RECORD - Percentage of record objections that are resolved within 60 days after the record objection is received by LUBA.		Approved KPM	84.00		
3 - RESOLVE ALL ISSUES - Percentage of decisions where all issues are resolved when reversing or remanding a land use decision.		Approved KPM	100.00		
4 - SUSTAINED ON APPEAL - Percentage of final opinions that are sustained on appeal.		Approved KPM	85.00		
5 - CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Accuracy	Approved KPM	96.00	90.00	90.00
5 - CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Availability of Information	Approved KPM	85.00	90.00	90.00
5 - CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Expertise	Approved KPM	96.00	90.00	90.00
5 - CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Helpfulness	Approved KPM	100.00	90.00	90.00

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5 - CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Timeliness	Approved KPM	97.00	90.00	90.00

LFO Recommendation:

Approve the Key Performance Measures and targets requested by the department.

Sub-Committee Action:

The Subcommittee approved the LFO Recommendation.

SB 5531-2
(LC 9531)
4/25/13 (TR/ps)

**PROPOSED AMENDMENTS TO
SENATE BILL 5531**

1 In line 6 of the printed bill, delete "\$1,442,194" and insert "\$1,551,697".

2 In line 7, delete "\$85,384" and insert "\$84,328".

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