

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 77 - A

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Krista McDowell
Reviewed by: Susie Jordan
Date: 4/18/2013

Measure Description:

Requires appellate review of quasi-judicial land use decisions and limited land use decisions directly related to and made in response to land use application to be conducted in single proceeding in which Land Use Board of Appeals has joined all appeals.

Government Unit(s) Affected:

Land Use Board of Appeals (LUBA)

Summary of Expenditure Impact:

See Analysis

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

At this time, the Legislative Fiscal Office (LFO) believes that the ramifications of this measure are not fully understood by the Land Use Board of Appeals (LUBA) and therefore the fiscal impact cannot be determined.

The bill requires LUBA to collect, track and report on its website the following data:

- (1) the number of “reviews” filed, the number of “petitions” filed, and the rate at which reviews result in upholding, reversing or remanding the decision on review;
- (2) a list of petitioners, the number of reviews commenced by those petitioners, and the results of those reviews;
- (3) a list of respondents, the number of reviews in which the respondents “appeared” before LUBA, and the rate at which their appearance resulted in decisions to uphold, reverse or remand the decision; and
- (4) a list of reviews and explanation of circumstances in which LUBA awards attorney fees.

It is currently unknown whether LUBA’s existing ACCESS database can be modified to collect and track the requested information. If the current software is not suitable to collect this data, an analysis will have to be conducted to determine if a system upgrade is needed or if the purchase of an entirely new data system would be required. Regardless of whether the system will need to be modified, upgraded or overhauled; IT staff time will be necessary to modify the database and train staff which will mean a fiscal expense to LUBA. The extent of this staff time is currently indeterminate as well as the costs associated with the changes to the database.