

House Bill 3120

Sponsored by Representative ESQUIVEL; Representatives GARRARD, GILMAN, RICHARDSON, WHISNANT (at the request of Jackson County)

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 **as introduced**.

Prohibits Land Conservation and Development Commission and Department of Land Conservation and Development from taking any action against local government by reason of modification of, removal of or failure to apply land use regulation in response to claim under Ballot Measure 37 (2004).

Prohibits civil action by other property owners to recover loss of value to property that is claimed to have occurred by reason of modification of, removal of or failure to apply land use regulation in response to claim under Ballot Measure 37 (2004).

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to land use regulations; and declaring an emergency.

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

SECTION 1. Section 2 of this 2005 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) If a local government modifies a land use regulation, removes a land use regulation or does not apply a land use regulation, in lieu of paying a claim for compensation by an owner of property under chapter 1, Oregon Laws 2005 (Ballot Measure 37 (2004)), the Land Conservation and Development Commission and Department of Land Conservation and Development may not seek an enforcement order against the local government under ORS 197.319, seek a sanction against the local government under ORS 197.636, or take any other action against the local government by reason of the modification of the land use regulation, removal of the land use regulation or failure to apply the land use regulation.

(2) If a local government modifies a land use regulation, removes a land use regulation or does not apply a land use regulation, in lieu of paying a claim for compensation by an owner of property under chapter 1, Oregon Laws 2005 (Ballot Measure 37 (2004)), an action against the local government may not be brought by any other owner of property to recover loss of value to the property that is claimed to have occurred by reason of the modification of the land use regulation, removal of the land use regulation or failure to apply the land use regulation.

(3) For the purpose of this section:

(a) "Land use regulation" has the meaning given that term in chapter 1, Oregon Laws 2005 (Ballot Measure 37 (2004)); and

(b) "Local government" means a city, county or metropolitan service district.

SECTION 3. Section 2 of this 2005 Act applies to any modification of a land use regulation, removal of a land use regulation or failure to apply a land use regulation, whether occurring before, on or after the effective date of this 2005 Act.

SECTION 4. This 2005 Act being necessary for the immediate preservation of the public

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 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**
2 **on its passage.**

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