



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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MEMORANDUM

TO: Water Resources Commission

FROM: Phillip C. Ward, Director

SUBJECT: Water Resources Commission Meeting
Agenda Item H, January 13, 2005

Measure 37 Update

I. Issue Statement

Richard Whitman, Attorney in Charge, Department of Justice Natural Resources Section, will describe temporary administrative rules that establish procedures for filing and processing State claims under Measure 37. *This is an informational report only; no Commission action is required.*

II. Background

On November 2, 2004, Oregon's voters passed Measure 37. In summary, Measure 37 provides, by statute, a supplemental right to just compensation to owners of real property when:

- A state or local public entity *enacts or applies* a law that restricts the use of that real property, or any interest in that property; and
- The enactment or application of the law has the effect of reducing the fair market value of the property; and
- The governing body responsible for enacting the law in question does not modify, remove, or waive the law to allow the owner to use the property for a use permitted at the time the owner acquired the property.

Since passage of Measure 37, at Governor Kulongoski's direction, the Department of Administrative Services (DAS) has worked with the Department of Justice and affected state agencies to implement a centralized, statewide system for receiving and processing claims involving state government. Measure 37 is currently being implemented by administrative rules under OAR Chapter 125, Division 145 and requires all claims involving state government to be submitted directly to DAS. (*See Attachment for Measure 37 rules*).

Richard Whitman, Attorney in Charge, Department of Justice Natural Resources Section, will provide background on Measure 37 and describe the temporary administrative rules that establish procedures for filing and processing State claims.

III. Recommendation

This is an informational report. No Commission action is required.

Attachment: OAR Chapter 125, Division 45