



Jason Atkinson

**Senator Jason A. Atkinson Update**  
**OREGON STATE SENATE DISTRICT 2**  
**August 31, 2007**

Dear Voters,

This November's Special Election ballot has two complicated ballot measures for Oregon voters to decide on. Measure 49 would change the property rights granted by Measure 37 and Measure 50 would increase the tobacco tax for the purposes of expanding state provided healthcare for children.

I hope you will find the following information on Measure 49 helpful. Please let us know if you have any question on either of these measures.

Sincerely,

Miss Deanne N. Kastine  
Legislative Assistant  
Senator Jason A. Atkinson's Office

## **November 6 Special Election**

### **Measure 49**

In 2004, Oregon voters passed Ballot Measure 37 which requires state and local governments to compensate landowner when certain land use regulations reduce their property value, or forgo enforcement of those regulations.

During the 2007 legislative session, the Oregon Legislature passed House Bill 3540 which made changes to Measure 37. But legislators have referred these changes to the people and will not take affect until voters approve them.

On November 6, 2007 Oregonians will decide whether or not to approve these changes by voting on the new measure, Ballot Measure 49.

### **Measure 37 & Measure 49**

In Oregon, state and local governments play a major role in determining what can be built or grown on a particular piece of land. When an individual or business buys a piece of land, they do not just buy the soil and the trees. They also purchase the right to develop

the land as is permitted under land use regulations. When state or local government limits what can be built or grown on a piece of property, the rights of build or grow, which the property owner bought with the property, are taken away. Not only does this prevent the property owner from using the property as they had intended, but reduces its market value. Oregonians passed Measure 37 because they were sick of the government taking away the property rights they had bought with their property.

Here's a brief summary of what Measure 37 requires governments to do and how Measure 49 would change the current Measure 37 system:

*Now under Measure 37:* State or local governments are required to compensate property owners when land use regulations reduce their property value or forgo enforcement of those regulations unless the regulation ensures public safety.

**If Measure 49 passes:** Those with pending Measure 37 claims would never receive monetary compensation for the loss in their property value due to government regulations. Instead, property owners would be allowed to build a certain number of homes

**If Measure 49 passes:** In the future, property owners would receive compensation only for land use regulations which limit residential uses of property or farm and forest practices, not for commercial or industrial uses.

*Now under Measure 37:* All property owners have the same protections for their property rights.

**If Measure 49 passes:** Owners of commercial and industrial properties will have no recourse if new state or local government regulations prevent them from using their property as they intend when they bought their property.

**If Measure 49 passes:** Property owners within city limits would have an even more burdensome procedure to go through in order to receive compensation for their loss in property value.

*Now under Measure 37:* Governments must compensate property owners within 180 days of filing a valid claim, or forgo enforcement of land use regulation.

**If Measure 49 passes:** All deadlines on governments to resolve claims are removed, including those already filed. Instead, new deadlines are placed on property owners.

**If Measure 49 passes:** Governments will have no incentive to resolve claims.

*Now under Measure 37:* Hundreds of Oregonians have filed claims to receive compensation for their loss in property value. These Oregonians have spent hours filling out paper work and spent thousands of dollars on legal assistance and other costs in order to jump through the hoops.

**If Measure 49 passes:** These Oregonians would have to start over with a new set of rules and would never get the compensation they were promised under Measure 37.

**If Measure 49 passes:** The process for filing claims will be even more complex, involve

more layers of government bureaucracy and cause more headaches for property owners.

**Sen. Jason Atkinson** believes Measure 37 should stay as it is. Governments need to compensate property owners when their actions reduce property values. He voted against the bill which referred Measure 49 to the voters.

## In Summary

If voters pass Measure 49, those who have filed Measure 37 claims would have to start all over again and would never get any compensation from the government. They would only receive the permission to build between three to ten homes on their property in lieu of payment. In addition, under this measure, governments have no deadline for granting property owners this permission. Exactly what would happen to future claims is unclear, but the property rights of every Oregonian, rural and urban, will once again be vulnerable to costly and intrusive government regulations and business owners will certainly have no protections.

For the text of Measure 49 and other information on the measure see the Secretary of State's Website: <http://www.sos.state.or.us/elections/nov62007/>

## District News

On August 22 Sen. Jason Atkinson spoke at the dedication of the new state of the art business building- called the Guild Building- in Grants Pass.

On August 28, Sen. Jason Atkinson spoke at the dedication of the Rogue River Greenway, a new biking and walking path.

### **Republican Governors Association**

This fall, Deanne Kastine, who has worked in our office since January, will be interning at the Republican Governors Association in Washington, D.C. She will be working in the finance and events department. Deanne has done great work for us, including this very newsletter. We know she will do great in D.C.

### **In the News**

*Atkinson Finds Chinese Pollution Shocking*, The Daily Courier August 23, 2007.

Excerpts:

A Central Point Republican who represents most of Josephine County, Atkinson traveled with the Aspen Institute from July 29 to Aug. 9. He was awarded an inaugural Rodel

Fellowship in Public Leadership. The program indicates that, each year, it seeks to identify 24 publicly elected officials between the ages of 25 and 45 as “emerging political leaders with reputations for intellect, thoughtfulness and a commitment to civil dialogue.”

Now back in America, Atkinson shared information from his meeting with China’s Assistant Foreign Minister He Yafei, India’s Foreign Secretary Shiv Shankar Menon, and other officials.

The level of pollution in China was what surprised him the most, Atkinson said. “The sky was gray,” he said. “It was just terrible.”

In India, Atkinson talked about border disputes with China, the developing middle class and elections.

One of the most interesting things for him was the high voter turnout in India, 80 percent. “People who are very impoverished still cherish the right to vote,” He said.

### **Invite Jason Atkinson to Speak to Your Group**

Sen. Atkinson is traveling all over the state meeting with business associations, political groups and students. Whether you’re interested local issues or global topics, contact Sen. Atkinson’s office and arrange a time for him to come speak about the issues important to you.

If you have any questions or comments, please contact me.

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