

**76<sup>th</sup> OREGON LEGISLATIVE ASSEMBLY – 2011 Regular Session  
BUDGET REPORT AND MEASURE SUMMARY**

**JOINT COMMITTEE ON WAYS AND MEANS**

**MEASURE: HB 5034-A**

**Carrier – House: Rep. McLane**

**Carrier – Senate: Sen. Dingfelder**

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**Action:** Do Pass as Amended and As Printed A-Engrossed

**Vote:** 21 – 1 – 3

House – Yeas: Beyer, Buckley, Cowan, Garrard, Komp, Kotek, McLane, Nathanson, Nolan, Richardson, G. Smith, Thatcher, Whisnant

– Nays: Freeman

– Exc:

Senate – Yeas: Devlin, Edwards, Johnson, Monroe, Thomsen, Verger, Whitsett, Winters

– Nays:

– Exc: Bates, Girod, Nelson

**Prepared By:** Lisa Pearson, Department of Administrative Services

**Reviewed By:** Laurie Byerly, Legislative Fiscal Office

**Meeting Date:** April 29, 2011

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**Agency**

Land Use Board of Appeals

**Budget Page**

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**Biennium**

2011-13

**Budget Summary**

	2009-11 Legislatively Approved Budget (1)	2011-13 Current Service Level	2011-13 Governor's Budget	2011-13 Committee Recommendation	Committee Change from 2009-11 Leg Approved	
					\$ change	% change
General Fund	\$ 1,414,047	\$ 1,647,924	\$ 1,352,155	\$ 1,295,875	\$ (118,172)	-8.4%
Other Funds	80,003	88,300	83,644	83,644	3,641	4.6%
<b>Total</b>	<b>\$ 1,494,050</b>	<b>\$ 1,736,224</b>	<b>\$ 1,435,799</b>	<b>\$ 1,379,519</b>	<b>\$ (114,531)</b>	<b>-7%</b>

**Position Summary**

Authorized positions	6	6	5	5	(1)
Full-time equivalent positions (FTE)	6.00	6.00	5.00	5.00	(1.00)

(1) Includes adjustments through March 2011

\* 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 Resources Subcommittee approved a budget of \$1,295,875 General Fund, \$83,644 Other Funds and five positions (5.00 FTE). The approved budget eliminates inflation and reduces Services and Supplies, creates a supplemental ending balance, eliminates a vacant staff attorney, and reduces projected remaining personal services expenditures. Any adjustments for services provided by central agencies such as the Department of Administrative Services will be made in a separate disappropriation bill later.

The Subcommittee approved Package 086 and Package 087, which eliminate inflation and decrease projected personal services costs by 5.5 percent.

Package 090: Analyst Adjustments eliminates the vacant Staff Attorney position. The Staff Attorney was laid off as part of 2009-11 biennium allotment reductions. This adjustment was also approved and produces \$213,997 General Fund savings and eliminates one position (1.00 FTE). If annual appeals received by the agency remain at or below 150, the Board should be able to continue to meet its statutory deadlines.

The Subcommittee approved Package 801: Targeted Statewide Adjustments, which reduces Services and Supplies expenditures by 6.5 percent. This results in a \$9,306 General Fund reduction. This package is a standard statewide package.

Package 819: Supplemental Statewide Ending Balance was approved; this package produces \$46,974 General Fund savings to create an increased statewide ending balance. General Fund agencies are contributing to this supplemental ending balance through a 3.5 percent biennial (or 7 percent in the second year of the biennium) reduction.

The recommended budget for this agency includes a reduction of General Fund for a supplemental ending balance. The reduction is intended to be applied against spending levels in the second year of the biennium and to not affect program delivery in the first year. To reinforce that intent, the agency's budget bill includes specific language allowing the agency to expend up to 54% of its total biennial General Fund appropriation in the first year of the biennium.

The amount of the reduction for the supplemental ending balance may be restored during the February 2012 session to the agency for the second year of the biennium depending on economic conditions. Therefore, the Co-Chairs of the Joint Committee on Ways and Means expect the agency director to closely monitor the quarterly revenue forecast and other economic indicators to gauge adequacy of funding in the second year and manage their budgets accordingly.

### **Summary of Performance Measure Action**

See attached Legislatively Adopted 2011-13 Key Performance Measures form.

**DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION**

**HB 5034-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			
2009-11 Legislatively Approved Budget at March 2011 *	\$1,414,047	\$0	\$80,003	\$0	\$0	\$0	\$1,494,050	6	6.00
2011-13 ORBITS printed Current Service Level (CSL)*	\$1,647,924	\$0	\$88,300	\$0	\$0	\$0	\$1,736,224	6	6.00
2011-13 Governor's Recommended Budget *	\$1,352,155	\$0	\$83,644	\$0	\$0	\$0	\$1,435,799	5	5.00
<u>SUBCOMMITTEE ADJUSTMENTS (from GRB)</u>									
<u>General Program</u>									
Package 801: Targeted Statewide Adjustments									
Services and Supplies: 6.5% reduction	(9,306)	0	0	0	0	0	(9,306)	0	0.00
Package 819: Supplemental Statewide Ending Balance									
Personal Services	(41,104)	0	0	0	0	0	(41,104)	0	0.00
Services and Supplies	(4,974)	0	0	0	0	0	(4,974)	0	0.00
Special Payments	(896)	0	0	0	0	0	(896)	0	0.00
<b>TOTAL ADJUSTMENTS</b>	<b>(\$56,280)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$56,280)</b>	<b>0</b>	<b>0.00</b>
<b>SUBCOMMITTEE RECOMMENDATION *</b>	<b>\$1,295,875</b>	<b>\$0</b>	<b>\$83,644</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,379,519</b>	<b>5</b>	<b>5.00</b>
% Change from 2009-11 Leg Approved Budget	-8.4%	0.0%	4.6%	0.0%	0.0%	0.0%	-7.7%	-16.7%	-16.7%
% Change from 2011-13 Current Service Level	-21.4%	0.0%	-5.3%	0.0%	0.0%	0.0%	-20.5%	-16.7%	-16.7%
% Change from 2011-13 Governor's Recommended Budget	-4.2%	0.0%	0.0%	0.0%	0.0%	0.0%	-3.9%	0.0%	0.0%