

SUPREME COURT OF THE STATE OF OREGON

Hunnicut v. Myers

333 Or. 508 (2002) · No. SC S48998 · Decided March 14, 2002

OPINION

PER CURIAM.

Filed: March 14, 2002 IN THE SUPREME COURT OF THE STATE OF OREGON DAVID J. HUNNICUTT and LAWRENCE B. GEORGE, Petitioners, v. HARDY MYERS, Attorney General, State of Oregon, Respondent, and RANDY TUCKER, Intervenor. (SC S48998) En Banc On petition to review ballot title. Argued and submitted January 15, 2002. David J. Hunnicutt, Tigard, argued the cause and filed the petition for himself and petitioner George.

Janet A. Metcalf, Assistant Attorney General, Salem, argued the cause and filed the answering memorandum for respondent. With her on the answering memorandum were Hardy Myers, Attorney General, and Michael D. Reynolds, Solicitor General. Randy Tucker, Portland, filed the memorandum for himself as intervenor. PER CURIAM Ballot title certified. PER CURIAM In this ballot title review proceeding, petitioners challenge various aspects of the Attorney General's certified ballot title for a proposed initiative measure, which the Secretary of State has denominated as Initiative Petition 116 (2002).

We review the Attorney General's certified ballot title to determine whether it substantially complies with the requirements of ORS 250.035(2). See ORS 250.085(5) (setting out standard of review). We have considered petitioners' arguments and conclude that they are not well taken.

Accordingly, we certify to the Secretary of State the following ballot title for the proposed measure: AMENDS CONSTITUTION: DELETES TEXT AMENDING COMPENSATION RIGHT FOR GOVERNMENT TAKING; ENSURES STATE RIGHT NOT LESS THAN FEDERAL RESULT OF "YES" VOTE: "Yes" vote deletes text of 2000 measure providing for compensation when government regulation reduces property value, ensures state compensation right at (1) least same as federal.

RESULT OF "NO" VOTE: "No" vote rejects deleting text of 2000 measure providing for payment of compensation when government regulation reduces property value; retains preexisting right to just compensation. SUMMARY: Amends Constitution. Ensures that state constitutional right to payment of just compensation when government takes private property will provide at least same rights guaranteed by federal constitution.

Also deletes text of 2000 measure amending state constitutional right. Before 2000 election, state constitution provided for payment of just compensation when government takes private property

for public use, but payment was not required when property value was only reduced.

In 2000, voters voted on measure that, with some exceptions, generally expanded property owner's right to compensation by providing for payment when state, local government regulation reduces property value. 2000 measure has been challenged on constitutional grounds. When this ballot title was prepared, that challenge had not been resolved. This proposal would delete text of the 2000 measure.

Ballot title certified. 1. In an apparent typographical error, the certified ballot title uses the word "as." We have changed that word to "at." Return to previous location.