

W. L. A.

AGENDA COVER MEMORANDUM

AGENDA DATE: April 13, 2005
TO: **Board of County Commissioners**
FROM: **Lane County Legislative Committee**
Bill Dwyer, chair
Anna Morrison, member
PRESENTED BY: Anthony S. Bieda, IGR Manager
AGENDA TITLE: Report by Legislative Committee

1) Review of Recommendations on Legislative Bills

DISCUSSION: The Board will review recommendations from its Legislative Committee about legislation of interest to the county that is pending before the Oregon Legislative Assembly.

ISSUE: **Review of recommendations on pending legislation.**
The following are recommendations on pending legislation from the Legislative Committee, adopted at its meeting of Thursday, April 7, for consideration by the full Board:

HB 2545 -- Prohibits public body from including cost of legal services in fees established for disclosing public records. Except when person requests disclosure of public records in manner other than manner in which public body maintains public records, prohibits public body from including labor costs in fees established for disclosing public records.

Analysis: Would mean that when a request for a voluminous amount of public records comes in, the County would bear the cost of the staff time to compile the records in the form requested, if they are not in that form already, and the cost for legal evaluation of whether there was any information that is not subject to disclosure. We have had instances when the public records request is in the form of "all of [a person's] e-mail for the past 5 years." Such a request necessitates a review for all instances where there may be confidential or legally privileged information, with an evaluation of the legal basis as to whether to exercise the privilege. AOC opposes this bill.

Recommended Position: Oppose

HB 2732 -- Requires local government taxes imposed on or measured by income to be imposed on or measured by taxable income as determined for state personal income tax purposes or Oregon taxable income as determined for state corporate excise or income tax purposes.

Applies to tax reporting periods beginning on or after January 1, 2006.

Analysis: Requires that any local government tax which is measured by income be imposed in the same manner, with the same credits and exemptions, as the state income tax. It would make it easier, and thus less expensive, for the State Department of Revenue to administer. However, it reduces the flexibility of the local government to be responsive to its own needs and desires regarding the revenue measure.

Recommended Position: Oppose

HB 2925 -- Classifies certain public employees as police officers for purposes of benefits under Public Employees Retirement System. Applies only to service rendered on or after effective date of Act.

Analysis: Would apply potentially to 19 group workers who are regular employees (work more than 20 hours), are members of the LCPOA and qualify for benefits. Based on the difference in PERS rates for General Service Employees versus Police & Fire employees, the proposed legislation could cost Lane County about \$50,000 per year. Or, about the cost of one current Group Worker. (Note: Lane County does not charge departments with Police & Fire employees a separate PERS rate. Instead the County has used an average PERS Normal Cost rate for all employees. However, as the Police & Fire rates continue to increase, and the number of employees in that category continues to increase, the County may have to consider charging higher PERS rates to the departments that employ P&F employees.)

Recommended Position: Oppose

HB 3124 -- Eliminates sunset on certain surcharges on court fees. Provides that additional fees be deposited in Judicial Department Operating Account.

Analysis: Eliminate the sunset provision imposed in 2003 on particular surcharges on court fees charged by circuit courts. Legislation passed in 2003 revised the court fee structure and imposed surcharges. This bill continues surcharges, but seeks to divert the extra funds collected into the Judicial Department Operating Account and permanently caps the amount of court filing fee revenues that are payable to county law libraries at 2001 levels.

In the past, 33% of filing fee revenue collected in Lane County has been disbursed to the County's public law library. These revenues are the library's primary source of funding, as it does not use any County General Fund. Legislation passed in 2003, due to expire on July 1, imposed a limit on county law libraries' share of revenue, capping them at 2001-2003 levels. Without further legislation, fee surcharges will cease on July 1. If left unchanged, civil filing fees in circuit court will revert from a base fee of \$97.00 with a \$29.00 surcharge (\$126.00 total) to a single flat fee of \$107.00. Other fees will be subject to similar decreases. This still means less potential revenue for county law libraries; but, if litigation levels rise in individual counties, then so would law library revenues.

HB 3124 proposes to maintain court filing fees (base fee and surcharge) at their current levels. However, the funds raised by the surcharge will now be deposited into the Judicial Department Operating Account, which is a fund separate from the State Treasury's General Fund. The money from this account is to be used exclusively to "pay the operating expenses of the department." Previously base filing fees AND surcharges imposed were collected and disbursed by the State Court Administrator. Additionally, HB 3124 makes permanent the 2003 legislation's limitation on law libraries' share of funds from court fees. It limits the law libraries' portion of the filing fee revenue again to 2001-2003 levels – with no sunset provision or means of changing these levels, except by further legislative action.

Recommended Position: Oppose

HB 3309 -- Authorizes cities and counties to impose real estate transfer fees. Requires fees to meet certain requirements, including dedication to affordable housing or affordable housing loan guarantees.

Analysis: This is a limited reversal of the prohibition on local governments adopting real estate transfer fees, solely for the purpose of providing a dedicated funding source for affordable housing.

Recommended Position: Oppose

HB 3353 -- Prohibits local government from imposing fees or taxes, except privilege tax, upon telecommunications providers unless authorized by statute. Establishes minimum duration of contract between municipality and telecommunications provider.

Analysis: This preemption would prevent Lane County from considering a telecommunications tax as a potential revenue. It also appears to require that the minimum franchise contract period is equal to the average general obligation

bond payment period for debt issued by the Oregon Municipal Debt Advisory Commission, probably be in the 20-year range. (No other mandate in state law that REQUIRES such a lengthy contract period in a local government contract).

Recommended Position: Oppose

SB 163 -- Increases fees for material to be included in state voters' pamphlet. Revises provisions relating to material to be included in state and county voters' pamphlets. Requires Secretary of State to make certain electoral information available in electronic format and upon request of elector.

Analysis: Creates substantial increase in the candidate fees for voters' pamphlets, and reduction in space allowed for candidate information. Argument fees also substantially increased and made proportional to size of argument.

Recommended Position: Oppose