

2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 2339 **STATUS:** C Engrossed
SUBJECT: Expands exemption from disclosure of certain personal information of district attorney, deputy district attorney, Attorney General and assistant Attorney General.
GOVERNMENT UNIT AFFECTED: Counties, Department of Justice and Oregon Judicial Department.
PREPARED BY: Tim Walker
REVIEWED BY: John Borden and Doug Wilson
DATE: June 15, 2009

	<u>2009-2011</u>	<u>2011-2013</u>
EXPENDITURES: See Analysis.		

EFFECTIVE DATE: January 1, 2010

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: This bill may affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: This bill would exempt, from public disclosure, certain personal information of the United States Attorney for the District of Oregon, an assistant United States Attorney for the District of Oregon, district attorney, deputy district attorney, a city attorney engaged in criminal prosecution, an assistant city attorney engaged in criminal prosecution, Attorney General and designated assistant attorney general.

The Oregon Association of County Clerks (OACC) indicates that the provisions of this bill could have a substantial fiscal impact on counties. County clerks maintain a number of different databases that would need to be redacted. These databases include:

- Deed, Mortgage, and Lien Records;
- Military Discharge Records;
- Marriage and Domestic Partnership Records;
- Dog Licenses

Redacting current electronic data would not cause a significant fiscal impact, but having to redact archival microfilm records or provide an employee to monitor public access to these records would result in a substantial fiscal. OACC estimates that it could cost between \$90,000 and \$625,000 statewide depending upon the number of requests filed by eligible participants. If a county did not have the resources necessary, they may have to severely limit access to some of these records to meet the requirements of the bill. The bill will not have a measureable impact on the Department of Justice or the Oregon Judicial Department.

Ballot Measure 30 Impact: The effects of this measure on the activities of cities and counties may be subject to the provision of Ballot Measure 30 (1996). Under Ballot Measure 30, any law passed by the legislature, by less than a super majority, which requires local government to establish a new program or provide an increased level of service for an existing program has to meet certain funding criteria. It must either be funded by at least 95% of the reasonable costs incurred by the local government or the local government is required to spend more than .01% of its annual budget, the local government is exempt from complying with the law. If the legislature passes this measure by a super majority, local government would be compelled to comply without exception.