

9-8

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on September 8, 2009 by the

Department of Justice, Office of the Attorney General

OAR chapter 137

Agency and Division

Administrative Rules Chapter Number

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to become effective upon filing. Rulemaking Notice was published in the August 2009 Oregon Bulletin.

RULE CAPTION

Updating fees for public records to reflect legislatively-approved billing rates for 2009-2011

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: 137-008-0010; 137-008-0020

REPEAL:

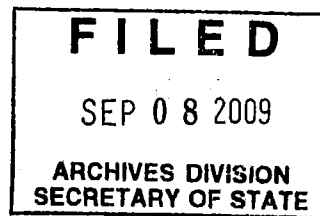
RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 192.430(2) & 192.440(4)

Other Auth.:

Stats. Implemented: ORS 192.440(4)



RULE SUMMARY

The Department of Justice's 2009-2011 legislatively-approved budget increased the allowable hourly rates for services, except the rate for law clerk services, which was decreased. These amendments reflect those changes.

Mary H. Williams

Mary H. Williams

9-8-09

Authorized Signer

Printed name

Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.

ARC 930-2005

Fees for Public Records and Publications

(1)(a) The Department of Justice may charge a fee reasonably calculated to reimburse the department for costs of providing and conveying copies of public records. The department shall charge 25¢ per page for the first 20 pages and 15¢ per page thereafter for black and white copies and 70¢ per page for the first 20 pages and 60¢ per page thereafter for color copies to recover the costs of photocopying and normal and reasonable staff time to locate, separate, photocopy and return document(s) to file and to prepare/mail public record(s) to requestors. If, for operational or other reasons, the Department uses the services of an outside facility or contractor to photocopy requested records, the department shall charge the actual costs incurred.

(b) "Page" refers to the number of copies produced, either 8 1/2 x 11 or 8 1/2 x 14. Staff will not reduce the copy size or otherwise manipulate records in order to fit additional records on a page, unless staff concludes that it would be the most effective use of their time. Consistent with ORS 192.240, all copies will be double-sided. A double-sided copy consists of two pages. Because of the increased staff time involved in double-sided copying, there is no reduction in the per page fee.

(c) "Normal and reasonable" staff time is 10 minutes or less per request.

(2) Additional charges for staff time may be made when responding to record requests that require more than the "normal and reasonable" time for responding to routine record requests. Staff time shall be charged at the department's hourly billing rate, by position, as follows:

(a) Assistant Attorney General; \$137/hr;

(b) Alternative Dispute Resolution Coordinator; \$93/hr;

(c) Investigator; \$108/hr;

(d) Paralegal; \$77/hr;

(e) Law Clerk; \$39/hr;

(f) General Clerical; \$45/hr;

(g) These charges are for staff time in excess of 10 minutes spent locating, compiling, sorting and reviewing records to prepare them for inspection, as well as all time required to segregate or redact exempt information or to supervise inspection of documents. The Department shall not charge for time spent by Assistant Attorneys General in determining the application of the provisions of ORS 192.410 to 192.505.

(3) The Department shall notify a requestor of the estimated costs of making records available for inspection or providing copies of records to the requestor. If the estimated costs exceed \$25, the Department shall provide written notice and shall not act further to respond to the request unless and until the requestor confirms that the requestor wants the Department to proceed with making the public records available. All estimated fees and charges must be paid before public records will be made available for inspection or copies provided.

(4) The Department may charge a fee reasonably calculated to reimburse the department for costs of department publications, Oregon District Attorneys Association publications prepared by the Department and other Department materials intended for distribution. A listing of such available publications and materials shall be maintained by the Department librarian. The Department shall charge the following for its regular publications:

(a) Attorney General's Public Law Conference Papers; \$65;

(b) Attorney General's Administrative Law Manual and Uniform and Model Rules of Procedure Under the APA; \$65;

(c) Attorney General's Public Contracts Manual; \$65;

(d) Attorney General's Public Records and Meetings Manual; \$25;

(e) Attorney General Opinions:

(A) Bound Volumes; Volume 20 (1940-42) through Volume 49 (1997-2001) including 2-volume index; \$921;

(B) Future Bound Volumes; \$70;

(C) Slip Opinion Service (yearly); \$60;

(D) Letters of Advice Index, 1969--83; \$20;

(E) Letters of Advice Index, 1983--88; \$40;

(F) Letters of Advice Index, 1988--93; \$40;

(G) Future Letters of Advice Indices; \$40.

(f) Core Mediation Training Manual; \$95.

Stat. Auth.: ORS 192.430(2) & 192.440(4)

Stats. Implemented: ORS 192.440(4)

Hist.: JD 1-1982, f. & ef. 1-7-82; JD 1-1983(Temp), f. & ef. 5-3-83; JD 7-1983, f. & ef. 11-2-83; JD 4-1984(Temp), f. & ef. 11-7-84; JD 1-1985, f. & ef. 1-23-85; JD 3-1986, f. & ef. 1-27-86; JD 2-1990, f. & cert. ef. 2-14-90; JD 6-1994, f. 10-31-94, cert. ef. 11-1-94; JD 1-1998, f. & cert. ef. 2-4-98; DOJ 9-1999, f. & cert. ef. 12-8-99; DOJ 11-2001, f. & cert. ef. 12-10-01; DOJ 16-2003, f. & cert. ef. 12-9-03; DOJ 18-2003(Temp), f. & cert. ef. 12-10-03 thru 6-1-04; DOJ 13-2004(Temp), f. & cert. ef. 11-1-04 thru 1-31-05; DOJ 1-2005, f. & cert. ef. 1-13-05; DOJ 2-2005, f. & cert. ef. 2-1-05; DOJ 15-2005(Temp), f. & cert. ef. 11-2-05 thru 4-29-06; DOJ 21-2005, f. 12-27-05, cert. ef. 1-1-06; DOJ 8-2008, f. 4-29-08, cert. ef. 5-1-08

137-008-0020

Fees for Electronic Reproduction of Records

(1) The Department of Justice shall charge \$45 per hour, with a \$15.00 minimum, for the staff time required to fill public record requests that require electronic reproduction. Charges include time spent locating, downloading, formatting, copying, scanning, and transferring records to media.

(2) The department will provide reproduction media at the following rates:

(a) DVDs or CDs: \$1/ea.

(b) Video Cassettes, 2 hours: \$6/ea.

(c) Audio Cassettes: \$2/ea.

(3) Due to the threat of computer viruses, the department will not permit requestors to provide flash drives or other electronic media for electronic reproduction of computer records.

Stat. Auth.: ORS 192.430(2) & 192.440(4)

Stats. Implemented: ORS 192.440(4)

Hist.: JD 6-1994, f. 10-31-94, cert. ef. 11-1-94; JD 1-1998, f. & cert. ef. 2-4-98; DOJ 8-2008, f. 4-29-08, cert. ef. 5-1-08

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