

DRAFT

SUMMARY

Digest: Exempts public records filed with a county clerk from the fee schedule. (Flesch Readability Score: 74.8).

Modifies the statute that governs the fee schedule for public records filed with a county clerk.

A BILL FOR AN ACT

Relating to public record fees; amending ORS 192.324.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 192.324 is amended to read:

192.324. (1) A public body that is the custodian of any public record that a person has a right to inspect shall give the person, upon receipt of a written request:

(a) A copy of the public record if the public record is of a nature permitting copying; or

(b) A reasonable opportunity to inspect or copy the public record.

(2) If an individual who is identified in a public body's procedure described in subsection (7)(a) of this section receives a written request to inspect or receive a copy of a public record, the public body shall within five business days after receiving the request acknowledge receipt of the request or complete the public body's response to the request. An acknowledgment under this subsection must:

(a) Confirm that the public body is the custodian of the requested record;

(b) Inform the requester that the public body is not the custodian of the requested record; or

(c) Notify the requester that the public body is uncertain whether the

1 public body is the custodian of the requested record.

2 (3) If the public record is maintained in a machine readable or electronic
3 form, the public body shall provide a copy of the public record in the form
4 requested, if available. If the public record is not available in the form re-
5 quested, the public body shall make the public record available in the form
6 in which the public body maintains the public record.

7 (4)(a) The public body may establish fees reasonably calculated to reim-
8 burse the public body for the public body's actual cost of making public re-
9 cords available, including costs for summarizing, compiling or tailoring the
10 public records, either in organization or media, to meet the request.

11 (b) The public body may include in a fee established under paragraph (a)
12 of this subsection the cost of time spent by an attorney for the public body
13 in reviewing the public records, redacting material from the public records
14 or segregating the public records into exempt and nonexempt records. The
15 public body may not include in a fee established under paragraph (a) of this
16 subsection the cost of time spent by an attorney for the public body in de-
17 termining the application of the provisions of ORS 192.311 to 192.478.

18 (c) The public body may not establish a fee greater than \$25 under this
19 section unless the public body first provides the requester with a written
20 notification of the estimated amount of the fee and the requester confirms
21 that the requester wants the public body to proceed with making the public
22 record available.

23 (d) Notwithstanding paragraphs (a) to (c) of this subsection, when the
24 public records are those filed with:

25 (A) The Secretary of State under ORS chapter 79 or ORS 80.100 to 80.130,
26 the fees for furnishing copies, summaries or compilations of the public re-
27 cords are the fees established by the Secretary of State by rule under ORS
28 chapter 79 or ORS 80.100 to 80.130.

29 (B) **A county clerk, the fees for copies of records are the fees es-**
30 **tablished under ORS 205.320.**

31 (5) The custodian of a public record may furnish copies without charge

1 or at a substantially reduced fee if the custodian determines that the waiver
2 or reduction of fees is in the public interest because making the record
3 available primarily benefits the general public.

4 (6) A requester who believes that there has been an unreasonable denial
5 of a fee waiver or fee reduction may petition the Attorney General or the
6 district attorney in the same manner as a requester who petitions when in-
7 spection of a public record is denied under ORS 192.311 to 192.478. The At-
8 torney General, the district attorney and the court have the same authority
9 in instances when a fee waiver or reduction is denied as when inspection of
10 a public record is denied.

11 (7) A public body shall make available to the public a written procedure
12 for making public records requests that includes:

13 (a) The name of one or more individuals within the public body to whom
14 public records requests may be sent, with addresses; and

15 (b) The amounts of and the manner of calculating fees that the public
16 body charges for responding to requests for public records.

17 (8) This section does not apply to signatures of individuals submitted
18 under ORS chapter 247 for purposes of registering to vote as provided in ORS
19 247.973.

20
