

HB 3385 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 2/3, 2/24

WHAT THE MEASURE DOES:

The measure sets the fees for copies of records filed with a county clerk to be the existing statutory fees for county clerks and exempts a county clerk from establishing separate public records fees.

Fiscal impact: No fiscal impact

Revenue impact: No revenue impact

ISSUES DISCUSSED:

- Confusion about what is exempted based on bill tag line
- Public records fees being based on time and per page
- Codifying what clerks are already doing with fees

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon's Public Records Law (ORS Chapter 192) defines a public record as any writing with information about the conduct of public business that is prepared, owned, used, or retained by a public body, including every state officer, agency, department, bureau, board, and commission, and every county and city governing body, school district, special district, municipal corporation, or any board, department, commission, council, or agency thereof.

All public bodies in Oregon must have a written procedure for responding to public records requests and may charge a fee to recover the cost of fulfilling a records request. A public body may establish fees reasonably calculated to reimburse the public body for its actual cost of making public records available, including costs for summarizing, compiling, or tailoring the public records, either in organization or media, to meet the request. A public body may not establish a fee greater than \$25 unless the public body first provides the requester with a written notification of the estimated amount of the fee and the requester confirms that it wants to proceed.

Oregon statutes in ORS 205.320 authorize county clerks to charge certain fees for specific purposes and services, including supplying copies of records or files to private parties and locating a record.