

Secretary of State

NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Department of Fish and Wildlife		635
Agency and Division		Administrative Rules Chapter Number
Casaria Tuttle	3406 Cherry Ave. NE, Salem, OR 97303	503-947-6033
Rules Coordinator	Address	Telephone

RULE CAPTION

Amend procedures for processing public records requests

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

July 18, 2008	8:00 a.m.	FivePine, Lodge 1021 Desperado Trail, Sisters, OR 97759	Commission
Hearing Date	Time	Location	Hearings Officer

Hearing Date	Time	Location	Hearings Officer
<i>Auxiliary aids for persons with disabilities are available upon advance request.</i>			

RULEMAKING ACTION

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

ADOPT:

AMEND:
OAR Chapter 635, Division 001

REPEAL:

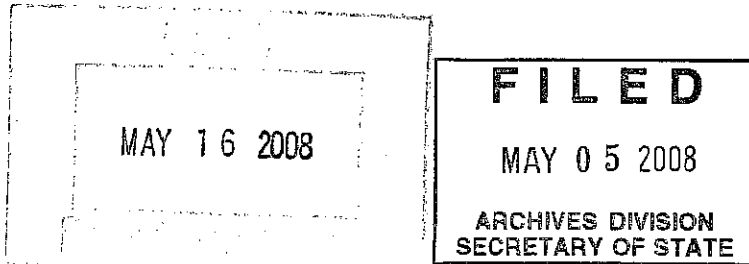
RENUMBER:

AMEND & RENUMBER:

Stat. Auth. : ORS 192.440

Other Auth.:

Stats. Implemented: ORS 192.440



RULE SUMMARY

The proposed rules amend procedures and fees for the Oregon Department of Fish and Wildlife to respond to public records requests. The proposed rule amendments address requests to inspect or obtain copies of public records, the fees for inspection or copies of public records, exceptions to fee charges and fee waiver and reductions.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

July 18, 2008

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

	Casaria Tuttle	05/14/2008
Signature	Printed name	Date

*Hearing Notices published in the Oregon Bulletin 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, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Department of Fish and Wildlife
Agency and Division

635

Administrative Rules Chapter Number

Amend procedures for processing public records requests

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

In the Matter of: Amendment of Rules: OAR 635
Division 001; Relating to Public Records

Statutory Authority: ORS 192.440

Other Authority:

Stats. Implemented: ORS 192.440

Need for the Rule(s):

The rules are required to comply with the legislative directive to amend rules to make available information regarding the public records request process.

Documents Relied Upon, and where they are available:

Senate Bill 554 enacted by the 2007 Legislative Assembly, 900 Court Street, Salem, Oregon

February 27, 2008 memo from Donald C. Arnold, Chief Counsel regarding Changes to Public Records Law, 1162 Court Street NE, Salem, OR

Fiscal and Economic Impact:

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

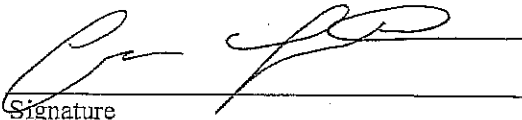
c. Equipment, supplies, labor and increased administration required for compliance:

How were small businesses involved in the development of this rule? They were not

Administrative Rule Advisory Committee consulted?: No

If not, why?:

The 2007 Legislative Assembly had extensive discussion of the policy and other implications of SB 554 (2007).


Signature

Casaria Tuttle
Printed name

05/14/2008
Date

**Fiscal and Economic Impact Statement for the July 18, 2008
Hearing in the Matter of Rules Relating to Public Information Requests**

Fiscal and economic impact: Rule changes are being proposed to outline the terms by which the Department can recover costs for labor, materials, faxes, and attorney fees associated with public information requests.

The proposed rules will affect state agencies, units of local government, and the public, respectively, as discussed below:

A. The only state agencies that might be affected by adoption of these rules are the Oregon Department of Fish and Wildlife (ODFW). No significant changes to the levels of ODFW's operations or expenditures are expected as a result of the adoption of these rules. The department will realize a positive fiscal impact from the collection of attorney's fees. Previously, the department paid these costs with no means to recover this money from the party making the information request.

B. No units of local government are expected to be affected by these rules. No significant changes from the current levels of any local agencies' operations or expenditures are expected as a result of the adoption of these rules.

C. The public would be affected by these rules. Those who wish to make an information request would incur more costs associated with the collection and release of public information. Previously, fees for staff time did apply, but the rule change would allow attorney's fees and fax costs to be charged to the person or entity that requests information. This rule change has the potential to increase costs of information requests for small businesses which are involved in litigation with ODFW or those with other reasons for making such requests.

Most businesses affected by these rules are believed to be "small business."

The rules are believed to be fully compatible with legislative direction on the goals of wildlife management in Oregon.

We do not believe that a less intrusive or less costly alternative adaptation to only small business is consistent with the purpose of the rule.