



# Oregon

Theodore R. Kulongoski, Governor

**Department of State Police  
Identification Services Section**

3772 Portland Road NE  
Salem, OR 97303  
(503) 378-3070 (Voice/TTY)  
FAX (503) 378-2121

July 28, 2005

**< NOTICE OF PERMANENT FEE CHANGE >**

To: All Identification Services Section Customers

As you may recall, the Identification Services Section increased a number of fees for service effective March 1, 2005 under the Temporary Administrative Rule process. Permanent rule making is required in order for these fees to continue beyond the temporary rule process expiration date. This letter serves as notice that Oregon State Police has filed for permanent rule regarding the following fees. A copy of the rulemaking documents is attached for your reference. These fees are necessary to cover costs for continued services and service levels under the current budget.

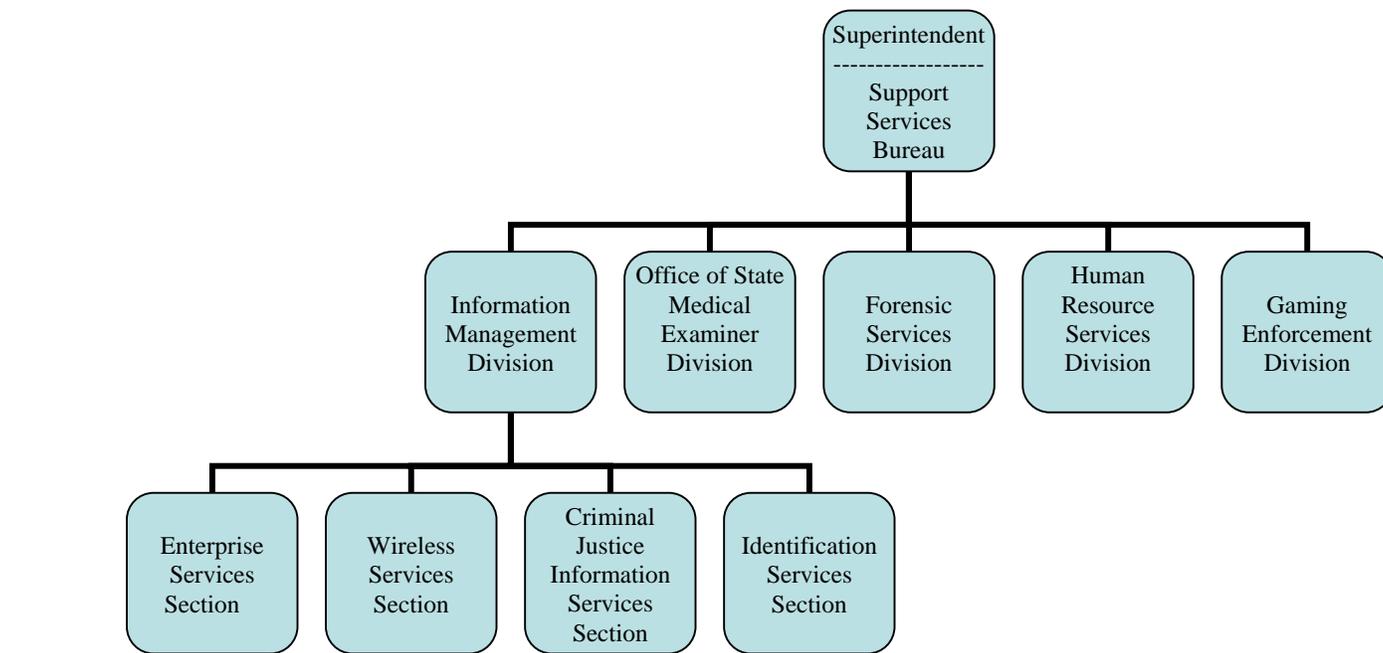
Outlined below is a list of services for which fees are set in Oregon Administrative Rule. **Please note these are Oregon State Police fees only and do not include the prevailing FBI fees, where applicable.** (FBI fees have not changed. FBI fees may be found on our web page for each applicable service.)

<u>Service</u>	<u>Oregon Fee</u>
Copy of (your own) Oregon Criminal History	\$33
Open Records (name check of <u>another</u> person's Oregon Criminal History)	\$10 ( <i>fee decrease</i> )
Public Fingerprinting	\$20
Clearinghouse (business/organization providing care - qualified by law) fingerprint check	\$52
Non-criminal Justice Agency (authorized by law) name check	\$4
Non-criminal Justice Agency (authorized by law) fingerprint check	\$28 (card not retained)
	\$27 (card retained)

Should you need to contact us with questions, please call 503-378-3070 or send an email to our contact address: [receptionist1.idservices@state.or.us](mailto:receptionist1.idservices@state.or.us)

Patricia R. Whitfield, Director  
Identification Services Section  
Information Management Division

## 2005-2007 State Police Organizational Chart



### Assumptions for calculating fees

- ISS funding will be based on 100% of fee's
- Based on 2003-2005 FTE at 73 total
- Personnel Services costs estimated at step 8
- One Cost of living per 12 month period, equal to 2%
- Based on 03-05 Capitol Outlay and Services & Supplies limitations and appropriations
- Capitol Outlay and Services & Supplies allocated to each function based on total FTE
- Core Services (Administration, Accounting, AFIS and CCH) costs allocated to each function based on total FTE.
- Based on biennial volumes for average submissions by function from July 2001-June 2004
- Waived fee's reimbursed through General Fund as follows:
  - Clearinghouse waived fees = 75% of total submissions
  - Open Record waived fees = 1% of total submissions

Service Provided	Direct Cost	In-Direct Cost	Total Cost
Copy Own Record	\$17.00	\$16.00	\$33.00
Clearinghouse Checks	\$28.00	\$24.00	\$52.00
Open Records	\$ 5.00	\$ 5.00	\$10.00
Public Fingerprinting	\$10.00	\$10.00	\$20.00
Authorized Agency (name check)	\$ 2.00	\$ 2.00	\$ 4.00
Authorized Agency (prints not retained)	\$15.00	\$13.00	\$28.00
Authorized Agency (prints retained)	\$14.00	\$13.00	\$27.00

**NOTE: Fees above are for Oregon background services only and do not include FBI fees. FBI fees are \$24 or \$18(volunteers).**

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**  
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of State Police, Information Management Division  
Agency and Division

257  
Administrative Rules Chapter Number

**In the Matter of:**

Adopting OAR 257-010-0025 (13) pertaining to fees for acquiring non-retained fingerprint based criminal records checks under ORS 181.533; Adopting OAR 257-010-0025 (14) pertaining to customer responsibility for covering the prevailing user fee charged by the FBI for fingerprint based record checks; and, Amending OAR 257-010-0025 (1)(B); 257-010-0025 (1)(C)(d); 257-010-0025 (11); 257-010-0025 (12); 257-010-0035 (6); and 257-010-0035 (7).

**Statutory Authority:**

ORS 181.560 (4) and ORS 181.533 (9)(b).

**Other Authority:**

N/A

**Statutes Implemented:**

ORS 181.560 (4) and ORS 181.533 (9)(b).

**Need for the Rule(s):**

In December of 2004, the Department of State Police, Identification Services Section reviewed its budget and fee structure and determined it to be inadequate for covering the cost of providing services. As a result, an immediate adjustment of fees for service was required in order to mitigate a budget shortfall through the end of the 03/05 biennium. The January 2005 Emergency Board provided the Department with funds necessary to avoid staff layoffs or service reductions on the premise that the Department would adjust its fees set in administrative rule effective March 1, 2005. On February 8, 2005, the Department received DAS approval to pursue the required fee adjustments under the "Form 333" process. The Department conducted a series of public meetings concerning the proposed fee adjustments in Pendleton, Medford, and Salem the week of February 14<sup>th</sup> 2005. Adjusting the fees via temporary rule allowed the Department to mitigate its immediate budget crisis at ID Services while affording it the opportunity to consult with its customers and the legislature prior to initiating a permanent rule making process.

This filing continues the fees adjusted under the temporary rules which expire on August 28, 2005. Continuation of the adjusted fees is necessary to cover the cost of providing services.

**Documents Relied Upon:**

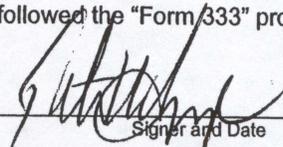
Identification Services Section fee structure and methodology, historical statistics for workload volumes and submissions, and fiscal information spreadsheets for revenue and expenditures.

**Fiscal and Economic Impact:**

See attached Fiscal Impact Document

**Administrative Rule Advisory Committee consulted?:**

No. In lieu of an "Administrative Rule Advisory Committee", the Department followed the "Form 333" process in addition to holding three public meetings (see narrative above).

 7/15/05  
\_\_\_\_\_  
Signer and Date

Peter Spirup  
Printed name

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING\***  
A Statement of Need and Fiscal Impact accompanies this form.

Department of State Police, Information Management Division  
Agency and Division

257

Administrative Rules Chapter Number

Cort Dokken  
Rules Coordinator

(503) 378-3725, Extension 4105

Telephone

400 Public Service Building; Salem, Oregon 97310  
Address

**RULEMAKING ACTION**

**ADOPT:**

**AMEND:** OAR 257-010-0025 and 257-010-0035

**REPEAL:**

ORS 181.560 (4) and ORS 181.533 (9) (b)  
Stat. Auth.: ORS

Other Authority

ORS 181.560 (4) and ORS 181.533 (9) (b)  
Stats. Implemented: ORS

**RULE SUMMARY**

Adopt OAR 257-010-0025 (13) establishing fee of \$52.00 for conducting criminal records checks under ORS 181.533. These checks were originally provided under OAR 257-010-0025 (12) for the fee of \$12.00. OAR 257-010-0025 (12) will now be dedicated to the fee for conducting non-retained applicant and regulatory fingerprint based criminal records checks.

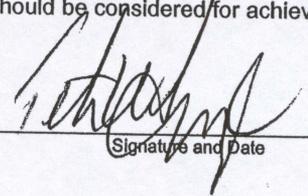
Adopt OAR 257-010-0025 (14) pertaining to customer responsibility for covering the prevailing user fee charged by the FBI for fingerprint based record checks. This new section relocates language previously found in OAR 257-010-0025 (1)(B).

Amend OAR 257-010-0025 (1)(B) by changing fee from \$2.00 to \$4.00; OAR 257-010-0025 (1)(C)(d) by changing fee from \$15.00 to \$10.00; OAR 257-010-0025 (11) by changing fee from \$15.00 to \$27.00; OAR 257-010-0025 (12) by changing fee from \$12.00 to \$28.00 and eliminating language no longer applicable to this section; OAR 257-010-0035 (6) by changing fee from \$12.00 to \$33.00; and, OAR 257-010-0035 (7) by changing fee from \$5.00 to \$20.00.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing. ORS 183.335(2)(b)(G) 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.

September 6, 2005

Last Day for Public Comment

 7/15/05  
Signature and Date

Peter Spirup  
Printed name

\*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.  
ARC 923-2003