



---

## **NOTICE OF PROPOSED RULEMAKING**

### **INCLUDING STATEMENT OF NEED & FISCAL IMPACT**

CHAPTER 291

### **DEPARTMENT OF CORRECTIONS**

---

**FILED: 04/28/2026 4:37 PM**

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Request for Public Record

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/17/2026 12:00 PM

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

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group 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 the 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.*

**CONTACT:**

Julie Vaughn

971-701-0139

[julie.a.vaughn@doc.oregon.gov](mailto:julie.a.vaughn@doc.oregon.gov)

3723 Fairview Industrial Dr. SE, Ste 200

Salem, OR 97302

Filed By:

Julie Vaughn

Rules Coordinator

---

**NEED FOR THE RULE(S):**

This update is needed to establish a process to collect credit card payments from individuals requesting public record.

---

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

None.

---

**STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:**

The Department of Corrections anticipates the proposed amendment to the department's division 037-0035 rule (OAR 291-037 Release of Public Record) will have an overall positive impact on racial equity in Oregon.

These rules establish uniform procedures and guidelines for release of Department of Corrections public records.

The proposed amendment establishes a process to collect credit card payments from requesters. This proposed change aims to streamline existing practices that rely on money orders and cashier's checks, replacing them with a system better suited to digital service expectations by allowing for public records requesters to have the option for paying with a credit card instead of having to physically go to a bank to get a money order or cashier's check.

For these reasons, the department anticipates that these proposed rule amendments will have an overall positive impact on racial equity in this state.

---

**FISCAL AND ECONOMIC IMPACT:**

The current rule amendment adds language that allows payments for public records requests to be made through secure online payment by credit or debit card. This specific change is not anticipated to create any additional fiscal impact on the Department of Corrections (DOC) or require additional staffing, as the associated web portal costs were addressed in a prior fiscal submission.

The rule change is not anticipated to have a fiscal impact on the department, other state agencies/partners, local governments (the counties), or the general public.

---

**COST OF COMPLIANCE:**

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

None.

---

**DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):**

Small businesses were not involved in the development of these rules as they will not be impacted by these rules.

---

**WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?**

The department has determined that use of an advisory committee would have not provided any substantive assistance in drafting these rule revisions because the changes are minor and of a technical nature.

---

AMEND: 291-037-0035

RULE SUMMARY: Amends rule to add secure online payment as a method of payment for public record.

**CHANGES TO RULE:**

291-037-0035

Fees and Payment for Public Records

(1) The department's fees for processing and making available nonexempt records include, but is not limited to, employee time to search, gather, review, and copy the records. The department fee schedule is set out below:¶

(a) Clerical work at \$25.00 per hour;¶

(b) Managerial work at \$40.00 per hour;¶

(c) Professional work at \$75.00 per hour;¶

(d) Copies at current state printing and distribution price list;¶

(e) Media costs set in statewide price agreement;¶

(f) Postage at current postal rates;¶

(g) Actual additional costs for services for which no fee has been established (for example, computer time; travel, shipping, or communication costs; fees to retrieve records from archives; etc.) shall be determined by the department; and¶

(h) Department of Justice and other applicable legal fees shall be assessed at the actual hourly rate charged for public records related services (such as, reviewing public records, redacting material from the records, or segregating the records into exempt and nonexempt records). Fees are subject to statutory limitations described in ORS 192.440.¶

(2) If the department can process a request for records in less than 30 minutes of employee time, the department

will not charge to search, gather, and review the records. ¶

(a) Copy and media costs will be assessed as appropriate. ¶

(b) For audio recordings, a flat rate of \$5.00 plus the cost of the media will be charged when it takes less than 30 minutes of employee time to search, gather, copy, and review the records. Actual time and fees for media will be charged if over 30 minutes of employee time to search, gather, copy, and review records. ¶

(c) Only one 30-minute fee waiver will be granted to a requester who files fragmented or multiple small requests within a 60-day period that in the aggregate requires more than 30 minutes of employee time to process. ¶

(3) Except as noted below, no inspection or duplication of a record is authorized until payment has been received. ¶

(a) Payments must be received in the form of a money order, cashier's check, or business check made payable to the Oregon Department of Corrections, or by secure online payment (such as, credit or debit card). ¶

(b) An adult in custody must submit a signed Withdrawal of Funds form (CD 28D) and have sufficient funds on their trust account at the time they make a public records request. The Withdrawal of Funds form (CD 28D) must be successfully processed and the funds received prior to the release of records. ¶

(4) Fees for inspection or duplication by other government agencies or contractors responsible for the treatment of adults in custody or adults on supervision may be waived as outlined in 291-037-0040. ¶

(5) The fee schedule for copies of adult in custody health records is established in OAR 291-124. ¶

(6) The fee schedule for copies of adult in custody trust records is established in OAR 291-158.

Statutory/Other Authority: ORS 179.040, 192.318, 192.324, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 192.318, 192.324, 423.020, 423.030, 423.075