DAVE FROHNMAYER
ATTORNEY GENERAL
STATE OF OREGON

JAMES E. MOUNTAIN, JR.
DEPUTY ATTORNEY GENERAL



DEPARTMENT OF JUSTICE

Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

March 7, 1989

Edward V. Hiskes, Attorney
Post Office Box 1830
Richland, WA 99352

Re: **Request for Public Records Disclosure Order; Oregon Revised Statutes Computer Tapes**

Dear Mr. Hiskes:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on February 28, 1989, asks the Attorney General to order Kathleen Beaufait, a Chief Deputy Legislative Counsel, to release a copy of the tapes on which the Oregon Revised Statutes (ORS) database is stored. For the reasons stated below, your petition is premature.

ORS 192.450(1) empowers the Attorney General to consider a petition under the Public Records Law only where a state agency has denied a person's right to inspect or receive a copy of a public record. From our investigation, however, we conclude that no Oregon state agency has denied your request.

Your undated letter to Kathleen Beaufait, which you attached to your petition, refers to previous requests for the ORS computer tapes. From that letter, however, it is unclear to whom you made those requests. You refer to one specific request recorded in the November 1, 1988, transcript of the "publications committee." In conferring with Kathleen Beaufait on this matter, we have learned that you made your requests to the publications subcommittee of the Legislative Counsel Committee. The Legislative Counsel Committee is a joint committee of the Oregon Legislative Assembly. ORS 173.111. The Legislative Counsel Committee establishes policies for,

among other things, the copywriting, sale and distribution of ORS, including the index, replacement parts, annotations and supplements and all additions. ORS 171.275(1)(2). Therefore, the Legislative Counsel Committee is the state agency with authority to establish policies governing the ORS database.

Ms. Beaufait tells us that, when you made your November 1, 1988, request, the publications subcommittee did not have a quorum. Nor has that committee assembled in quorum at any time since that date. Thus, the committee has neither expressly nor constructively denied your request, and your petition is premature.

We suggest that you pursue your request further through Ms. Beaufait. You should understand, however, that the Oregon Legislative Assembly is in session, and Legislative Counsel is quite busy with the legislature's business. Therefore, we ask for your understanding and patience about any delays in responding to your request.

Very truly yours,

James E. Mountain Jr

JAMES E. MOUNTAIN, JR.
Deputy Attorney General

JEM:RWM:RDW:cfs/4192G
cc: Kathleen Beaufait, Chief Deputy Legislative Counsel
Office of the Legislative Counsel