

Agenda Item Summary

BACKGROUND

Since 1990, the department has conducted criminal background checks for its employees who are authorized to use firearms as part of their duties under Governor Goldschmidt's Executive Order 90-05. In September 2004, the department began conducting criminal background checks for its employees in Information Technology positions who have access to secure and confidential data. In 2005, House Bill 2157 was passed granting ODFW authority to conduct criminal background checks on employees and volunteers who interact with children in the hunter and angler education programs and/or teach firearms instructions through the hunter education program. In 2009, House Bill 2224 was passed which expanded the positions that were subject to criminal history checks, as well as expanded criminal history checks to applicable vendors and contractors. The Department has adopted rules to support the statutory requirements.

House Bill 3168 from the 2013 legislative session and then further amendments in House Bill 2250 from the 2015 session make Department of Administrative Services (DAS) responsible for developing and implementing administrative rules for statewide use for criminal records checks. The agency will adopt DAS' rules while the application of some of those rules will be tailored to the agency's specific needs. Only minor changes are expected to result from the rule changes.

PUBLIC INVOLVEMENT

A series of legislative hearings were held on House Bills 3168 and 2250. Additionally the proposed rules have been sent to all of the publics listed on the Commission packet mailing list. The proposed rules are also posted on the department's website and the Secretary of State's website.

ISSUE 1	Whether to adopt the proposed rules
ANALYSIS	The proposed rules are consistent with the requirements of House Bills 3168 and 2250 and the DAS rules for statewide use for criminal records checks.
OPTIONS	<ol style="list-style-type: none"> 1. Adopt the rules as proposed 2. Adopt the rules in some amended form 3. No action.
STAFF RECOMMENDATION Option 1	
DRAFT MOTION	I move to adopt the amendments to OAR chapter 635, Division 600 as proposed by staff.
EFFECTIVE DATE	Upon filing.