

# Enrolled Senate Bill 86

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Oregon Department of Administrative Services)

CHAPTER .....

AN ACT

Relating to fingerprinting required by agencies that request human resource services; amending ORS 184.365.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 184.365 is amended to read:

184.365. (1) **As used in this section, “qualified entity” means an entity of the executive department, as defined in ORS 174.112, that contracts with, or that is a party to an interagency agreement with, the Oregon Department of Administrative Services for the purpose of receiving human resource services from the department.**

(2) For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the [Oregon] department [of Administrative Services] may require the fingerprints of a person who:

[(1)(a)] (a)(A) Is employed by or applying for employment [by] with the department; [or]

(B) Is employed by or applying for employment with a qualified entity; or

[(b)] (C) Provides services or seeks to provide services to the department or a qualified entity as a contractor, vendor or volunteer; and

[(2)] (b) Is, or will be, working or providing services in a position:

[(a)] (A) In which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

[(b)] (B) In which the person has access to information, the disclosure of which is prohibited by state or federal laws, rules or regulations or information that is defined as confidential under state or federal laws, rules or regulations;

[(c)] (C) That has payroll functions or in which the person has responsibility for receiving, receipting or depositing money or negotiable instruments, for billing, collections or other financial transactions or for purchasing or selling property or has access to property held in trust or to private property in the temporary custody of the state;

[(d)] (D) That has mailroom duties as the primary duty or job function of the position;

[(e)] (E) In which the person has responsibility for auditing the department or other governmental agencies;

[(f)] (F) That has personnel or human resources functions as one of the position’s primary responsibilities;

[(g)] (G) In which the person has access to personal information about employees or members of the public including Social Security numbers, dates of birth, driver license numbers, medical information, personal financial information or criminal background information;

[(h)] (H) In which the person has access to chemicals or hazardous materials, to facilities in which chemicals and hazardous materials are present or to information regarding the transportation of chemical or hazardous materials;

[(i)] (I) In which the person has access to property to which access is restricted in order to protect the health or safety of the public;

[(j)] (J) In which the person provides security, design or construction services for government buildings, grounds or facilities; or

[(k)] (K) In which the person has access to critical infrastructure or security-sensitive facilities or information.

**Passed by Senate March 20, 2017**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 26, 2017**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2017

**Approved:**

.....M.,....., 2017

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2017

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Dennis Richardson, Secretary of State