

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 291
DEPARTMENT OF CORRECTIONS

FILED

05/15/2024 2:39 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: SHARED INFORMATION SYSTEMS

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/04/2024 5:00 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.

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NEED FOR THE RULE(S)

The purpose of these rules, when adopted in 2002, was to establish department policy and procedures for obtaining and providing adult in custody and adult on supervision Social Security Numbers to the State Interagency Shared Information System (SIS). These rules were removed from statute ORS 329.965 in 2011. Division 291-079-0035 Definitions was maintained as a placeholder which has been determined to be unnecessary. Therefore, the rule division is being repealed.

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 (DOC) anticipates that the repeal of OAR 291-079-0035 will have no impact on racial equity in the State of Oregon. OAR 291-079-0035 is a rule that presently includes only definitions that do not have any current impact on existing Department policies.

FISCAL AND ECONOMIC IMPACT:

Rule 291-079 is repealed based on 2011 statutory changes to make the policy and procedures in this section non-applicable to the Department of Corrections.

The repeal is not anticipated to have an impact on the department, other state agencies, 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.

REPEAL: 291-079-0035

RULE SUMMARY: Repealing rule - This is a dead rule that was removed from statute in 2011.

CHANGES TO RULE:

~~291-079-0035~~

~~Definitions-~~

~~(1) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, probation or post-prison supervision status.¶~~

~~(2) Offender: Any person under the supervision of the Department of Corrections who is on parole, probation or post-prison supervision status.¶~~

~~(3) Offender Information and Sentence Computation (OISC): A location where the official file of Department of Corrections felony inmates/offenders are permanently maintained.¶~~

~~(4) Official File: Those documents permanently maintained in OISC on all Department of Corrections felony inmates, offenders and misdemeanor sex offenders and placed on microfilm with security role forward to the Archives Division.¶~~

~~(5) Working File: Those documents maintained in a Department of Corrections facility or community corrections office for administrative and case management purposes.~~

~~Statutory/Other Authority: ORS 179.040, 329.965, 423.020, 423.030, 423.075~~

~~Statutes/Other Implemented: ORS 179.040, 329.965, 423.020, 423.030, 423.075~~