

**HOUSE COMMITTEE ON GENERAL GOVERNMENT**

**March 03, 2005 Hearing Room B**

**8:30 A.M. Tapes 22 - 23**

**MEMBERS PRESENT: Rep. Vicki Berger, Chair**

**Rep. Peter Buckley, Vice-Chair**

**Rep. Mac Sumner, Vice-Chair**

**Rep. Kevin Cameron**

**Rep. Sal Esquivel**

**Rep. Larry Galizio**

**Rep. Brad Witt**

**STAFF PRESENT: Caralyn Fischer, Committee Administrator**

**Linda K. Gatto, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**Introduction of Committee Measures – Work Session**

**HB 2253 – Public Hearing and Work Session**

**HB 2259 – Public Hearing and Work Session**

**HB 2157 – Public Hearing**

**These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 22, A</b>		
004	Chair Berger	Calls the meeting to order at 8:34 a.m. and announces changes in the agenda. Opens a work session on introduction of committee measures.

**INTRODUCTION OF COMMITTEE MEASURES – WORK SESSION**

008	Caralyn Fischer	Committee Administrator. Reviews LC 2576 brought by the Library Association.
020	Chair Berger	States that support for introduction of bill as a committee bill does not indicate support for the bill itself.
021	<b>Rep. Berger</b>	<b>MOTION: Moves LC 2576 BE INTRODUCED as a committee bill (EXHIBIT A).</b>
		<b>VOTE: 7-0-0</b>
	<b>Chair Berger</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
026	Fischer	Reviews that LC 2775 regards unclaimed financial properties.
040	Chair Berger	Repeats that support for the introduction of the bill does not indicate support for the bill itself.
042	<b>Rep. Berger</b>	<b>MOTION: Moves LC 2775 BE INTRODUCED as a committee bill (EXHIBIT B).</b>
		<b>VOTE: 7-0-0</b>
	<b>Chair Berger</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
025	Chair Berger	Closes the work session on introduction of committee bills and opens a public hearing on HB 2253.

**HB 2253 – PUBLIC HEARING**

- 047 Caralyn Fischer Committee Administrator. Explains what HB 2253 does.
- 050 Harrison Connelly Deputy Legislative Counsel. Explains that “local government” is a defined term and HB 2253 will conform all references to local government.
- 087 Chair Berger Closes the public hearing on HB 2253 and opens the work session on HB 2253.

**HB 2253 – WORK SESSION**

- 082 Rep. Sumner **MOTION: Moves HB 2253 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**
- VOTE: 7-0-0**
- 083 Chair Berger **Hearing no objection, declares the motion CARRIED.**
- 086 Chair Berger Closes the work session on HB 2253 and opens the public hearing and work session on HB 2259.

**HB 2259 – PUBLIC HEARING AND WORK SESSION**

- 091 Doug McKean Deputy Legislative Counsel. Explains that HB 2259 corrects an error that occurred between the engrossing of the A-Engrossed version and the B-Engrossed version of HB 2241 (2003) removing language that should have been removed in the B-Engrossed version.
- 126 Rep. Sumner **MOTION: Moves HB 2259 to the floor with a DO PASS recommendation.**
- VOTE: 7-0-0**
- 128 Chair Berger **Hearing no objection, declares the motion CARRIED.**
- 130 Rep. Esquivel **MOTION: Moves HB 2259 be placed on the CONSENT CALENDAR.**
- VOTE: 7-0-0**

**Chair Esquivel      Hearing no objection, declares the motion CARRIED.**

137      Chair Berger      Closes the public hearing and work session on HB 2259 and opens the public hearing on HB 2157.

**HB 2157 – PUBLIC HEARING**

131      Caralyn Fischer      Committee Administrator. Reviews what HB 2157 does.

154      Patricia Whitfield      Section Director Oregon State Police (OSP) Identification Services Section. Submits prepared testimony in support of HB 2157 **(EXHIBIT A)**. Explains there are two purposes for the legislation and describes what Section 1 and Section 2 do.

216      Chair Berger      Asks would this put an umbrella over all the agencies and make a process where they can get these national background checks.

240      Whitfield      Answers yes.

241      Chair Berger      Asks does this statute mandate the background check.

243      Whitfield      Responds no, it would be up to the agency, through rule, to specify what would be subject to a background check.

258      Rep. Cameron      Notes that the Medical Board of Examiners stated that they cannot run background checks on doctors coming in. Asks would this allow them to.

260      Whitfield      Answers yes. Explains the process to incorporate language to read with this bill and adds that the language, as written, has been approved by the FBI.

261      Rep. Cameron      Asks what are the FBI rules that prevent getting permission from an applicant to do a background check.

284      Whitfield      Responds that Public Law 92544 allows for fingerprint background checks for non-criminal justice employment purposes.

319      Larry Aab      Director of Business Services for the Multnomah County Sheriff's Office. States that the bulk of requests for this type of information

come through the sheriff's office. Provides examples of the types of requests they get: tax collections, employees and vendors doing work for the county.

- 361 Aab Comments favorably on the destruction of fingerprint cards and the enabling process to identify who would fall under this statute.
- 373 Rep. Galizio Asks if the civil liberties groups were involved in this bill.
- 400 Chair Berger States that one of those groups will be addressing the committee. Asks how this bill would change the process in place now.
- 416 Aab Responds that under the current draft they would seek an ordinance from the county commissioners. Adds it would not be for every employee but it would include those who work in a high level of trust, those who work with children, the elderly, the disabled and those in high fiduciary responsibilities.
- 442 Chair Berger Confirms that this would require a defined set of criteria.
- 443 Aab Answers affirmatively.
- 444 Rep. Sumner Asks would this be retroactive to current employees or only for new hires.
- 453 Aab Speculates that if there was behavior that prompted it and the statute enabled them they may choose to use it, but otherwise it would be from this point forward.
- 467 Rep. Witt Asks is it the intent to run a nationwide check on each person fingerprinted.
- 474 Aab Answers yes if they fall under the enabling ordinance.
- 476 Andrea Meyer Legislative Director, American Civil Liberties Union (ACLU). Provides a brief history on the use of fingerprinting in the use of background checks.

033	Aab	Refers to the early 1990s regarding the finge printing of innocent people being sent off to the FBI and how that interferes with the ability of a person to move forward. Comments on safeguards such as the relationship of the facts and no permanent records on non-criminals.
070	Meyer	Refers to Section 2, line 33 the language “return or destroy.” Notes that anyone can get a criminal check on anyone without going through fingerprints or a national check.
100	Meyer	States support for the bill to the degree that it provides some cleanup. Expresses concern about safeguards and the oversight of agency rules. Expresses strong concern about Section 1 because there are no protections for the unintended consequences throughout a community.
133	Rep. Witt	Refers to page two, Section 2 lines 33 and 34 and asks how the state of Oregon can obligate the FBI to do anything.
147	Meyer	Answers they cannot. Reads line 35 and states they are working with the state police to ensure computer images of fingerprints are not maintained.
167	Rep. Witt	Asks if the FBI has an obligation to report to the state of Oregon a change in policy.
168	Meyer	Answers that is uncertain.
170	Rep. Buckley	Refers to Section 7 page three and asks if this would cover only state agencies and not local government.
188	Meyer	Answers that she believes cities and local entities are not covered by this. Discusses that in reference to rules changing the “may” to “shall” and that the list be included.
217	Rep. Galizio	Asks if there is any way to provide language that defines “public trust” or “sensitive information.” Expresses concern about leaving this to the agencies.
246	Whitfield	Refers to Section 1 and Section 2 not having the same requirements. Suggests asking how the cities or counties would address safeguards. Adds that “may” will be changed to “shall” and there are minimums for the agency to use in their determinations.

289	Chair Berger	Confirms that Section 7 concerns only agencies and not local government agencies. States that as currently written the Section 7 protection does not include local governments.
332	Whitfield	Answers it is hopeful that amendments will address that.
317	Rep. Buckley	Refers to the appeals process and asks are there consistent appeal processes on the local level.
360	Whitfield	Answers that this also will be addressed in the amendments.
380	Rep. Buckley	As currently drafted is there anything requiring a report back to the legislature to see how the process is working.
382	Whitfield	Answers that she is unaware of anything in place but is open to it.
391	Chair Berger	Notes for the record that the Department of Administrative Services (DAS) has provided written testimony in support of HB 2157 ( <b>EXHIBIT D</b> ). Closes the public hearing on HB 2157 and adjourns the meeting at 9:27 a.m.

### **EXHIBIT SUMMARY**

-

**A. Introductions, LC 2576, staff, 1 p**

**B. Introductions, LC 2775, staff, 36 pp**

**C. HB 2157, prepared testimony, Patricia Whitfield, 3 pp**

**D. HB 2157, prepared testimony, Department of Administrative Services, 2 pp**