

HOUSE COMMITTEE ON GENERAL GOVERNMENT

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March 31, 2005 Hearing Room B

8:30 A.M. Tapes 34 - 35

MEMBERS PRESENT: Rep. Vickie Berger, Chair

Rep. Peter Buckley, Vice-Chair

Rep. Mac Sumner Vice-Chair

Rep. Kevin Cameron

Rep. Sal Esquivel

Rep. Larry Galizio

MEMBER EXCUSED: Rep. Brad Witt

STAFF PRESENT: Caralyn Fischer, Committee Administrator

Jania Zeeb, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2094 – Public Hearing and Work Session

HB 2157 – Public Hearing

HB 2059 – Public Hearing

HB 2061 – Public Hearing

HB 2102 – 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.

TAPE/#	Speaker	Comments
TAPE 34, A		
003	Chair Berger	Calls the meeting to order at 8:35 a.m. and opens a public hearing on HB 2094.

HB 2094 – PUBLIC HEARING

013	Cara Fischer	Committee Administrator. Summarizes HB 2094.
017	Patrick Allen	Manager, Office of Regulatory Streamlining. Submits prepared testimony regarding HB 2094 (EXHIBIT A). Summarizes the -2 amendments (EXHIBIT F).
057	Rep. Cameron	Inquires if liquor licenses will not be able to extend past an annual renewal basis because all liquor licenses have an opportunity for public comment.
061	Allen	Responds that they would still be eligible for the extended term license.
070	Chair Berger	Closes the public hearing on HB 2094 and opens a work session on HB 2094.

HB 2094 – WORK SESSION

073	Rep. Sumner	MOTION: Moves to ADOPT HB 2094-2 amendments dated 3/21/05.
075		VOTE: 6-0-1 EXCUSED: 1 - Witt
	Chair Berger	Hearing no objection, declares the motion CARRIED.
075	Rep. Sumner	MOTION: Moves HB 2094 to the floor with a DO PASS AS AMENDED recommendation.
078		VOTE: 6-0-1

EXCUSED: 1 - Witt

Chair Berger **Hearing no objection, declares the motion CARRIED.**
REP. SUMNER will lead discussion on the floor.

084 Chair Berger Closes the work session on HB 2094 and opens a public hearing on HB 2157, HB 2059, HB 2061, HB 2102.

HB 2157, HB 2059, HB 2061, HB 2102 – PUBLIC HEARING

098 Cara Fischer Committee Administrator. Summarizes the bills. Discusses the -1 amendments to HB 2157 (**EXHIBIT B**).

124 Patricia Whitfield Oregon State Police. Gives an overview of HB 2157.

164 Whitfield Reviews the -1 amendments for HB 2157.

194 Whitfield Discusses the concerns the FBI has with HB 2157.

206 Whitfield Continues reviewing the -1 amendments.

280 Whitfield Continues walking through the -1 amendments (**EXHIBIT B, Page 15**).

355 Whitfield Continues discussing the -1 amendments (**EXHIBIT B, Page 17**).

426 Whitfield Comments that the -1 amendments reflect conversations with the agencies and conversations with the FBI.

TAPE 35, A

016 Andrea Meyer American Civil Liberties Union of Oregon (ACLU). States that they do not oppose bringing it all under one statute to make requirements clear to people. Discusses the concerns that the ACLU has. Comments on the intentions of the State Police.

030 Whitfield Responds by clarifying the intentions of the State Police.

039	Meyer	Comments on the concern the ACLU has with HB 2157.
061	Meyer	Discusses the -1 amendments (EXHIBIT B, Page 2).
069	Chair Berger	Inquires if the statute says destroy, are they proposing there be a check to see if the FBI did destroy the fingerprints, and how would that be done.
074	Meyer	Responds that she is not suggesting that, and clarifies what should be destroyed.
087	Meyer	Continues discussing concerns (EXHIBIT B, Page 3).
112	Meyer	Refers them to ORS 670.280.
121	Rep. Galizio	Asks what statute she is referring to.
123	Meyer	Gives the number, and continues discussing concerns.
147	Meyer	Discusses concerns (EXHIBIT B, Page 17).
156	Meyer	Talks about concerns with the -1 amendments (EXHIBIT B, Page 29).
177	Rep. Buckley	Inquires if they would be more comfortable to have it broken apart again to determine the nexus between the background check and the job performance.
187	Meyer	Responds that it does not need to be broken apart, but it is important to pay attention to the scope of who is covered.
204	Rep. Buckley	Gives an example, and asks if that is what is meant by nexus.
215	Meyer	Comments on what is meant by nexus.
252	Rep. Galizio	Inquires if she has looked at the appeals process.
256	Meyer	Responds that she has not had time to look at that.

268	Chair Berger	Comments that Rep. Buckley's point is well taken, and comments on what she has thought about the issue.
279	Meyer	Comments that she hopes they will take the case of each entity one by one.
299	Kathleen Haley	Executive Director, Board of Medical Examiners. Submits and presents prepared testimony in support of HB 2059 (EXHIBIT C).
360	Dave McTeague	Executive Director, Oregon Board of Chiropractic Examiners. Submits and presents prepared testimony in support of HB 2061 and HB 2157 (EXHIBIT D).
422	Rep. Galizio	Inquires if they have data on the percentage of people in their professions who have been disciplined by their boards who, prior to becoming licensed, have been convicted of a felony.

TAPE 34, B

011	Haley	Responds that they do not have the ability to get that information.
014	Rep. Galizio	Asks if there is specific criteria that is employed in making the decision of who should be licensed.
020	Haley	Answers that there is and explains the criteria.
026	McTeague	Responds that they are also under the nexus statute and the board reviews the information.
032	Rep. Esquivel	Gives an example of realtors being fingerprinted to get a license. Comments that there is discretion and it is being applied.
057	Rolf Olson	Oregon State Board of Nursing. Submits prepared testimony regarding HB 2102 (EXHIBIT E).
074	Rep. Buckley	Inquires if there are any other states that could be used as a model for us to look at in terms of how they handle the background checks.
078	Olson	Responds that he does not have that information.

085	Amanda Rich	Special Districts Association of Oregon. Comments on the importance of including special districts with still having the support of the FBI.
101	Chair Berger	Comments on the opportunity to do something about this. Obligation to protect the public and protect individuals from a heavy hand of government. States that she wants to appoint a work group and lists people invited to participate in the work group. Comments on the need for speed.
157	Chair Berger	Closes the public hearing and adjourns the meeting at 9:45 a.m.

EXHIBIT SUMMARY

- A. **HB 2094, prepared testimony, Patrick Allen, 2 pp**
- B. **HB 2157, -1 amendments, staff, 37 pp**
- C. **HB 2157 and HB 2059, prepared testimony, Kathleen Haley, 3 pp**
- D. **HB 2157 and HB 2061, prepared testimony, Dave McTeague, 1 p**
- E. **HB 2102, prepared testimony, Rolf Olson, 2 pp**
- F. **HB 2094, -2 amendments, staff, 2 pp**