

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

July 11, 2005 Hearing Room 357

10:00 A.M. Tapes 24 – 25

(Corrected 7-12-05)

MEMBERS PRESENT: Rep. Wayne Krieger, Chair

Rep. Jeff Barker, Vice-Chair

Rep. Brian Boquist, Vice-Chair

Rep. Linda Flores

Rep. Greg Macpherson

STAFF PRESENT: Cletus Moore, Committee Administrator

Bill Taylor, Counsel

Louann Rahmig, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2157B – Work Session

Introduction of Committee Measure LC 3734 – Work Session

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 24, A

003 Chair Krieger

Calls the meeting to order at 10:40 a.m. and opens a work session on HB 2157B. Announces that SB 899A will be carried over.

HB 2157B – WORK SESSION

- 007 Bill Taylor Counsel. Explains HB 2157B which sets forth a policy for the state of Oregon on the use of fingerprints and applies it to authorized agencies. Refers to the -21 amendments (**EXHIBIT A**) which are more general but have “customized” the requirements for agencies.
- 039 Rep. Kevin Cameron House District 19. Explains the history of and work groups on HB 2157. Describes the proposed new process.
- 064 Kevin Neely Department of Justice (DOJ). Adds that to conduct a federal background check, agencies have to be explicitly mentioned in state law and that is the impetus of HB 2157. Refers to the B21 amendments which provide for each agency an explicit set of circumstances under which a person could become a subject individual for a fingerprint check. Advises of the rulemaking and appeal processes. Informs of small modifications still needed. Points out that ultimately the agencies are accountable.
- 132 Rep. Macpherson Requests clarification on how the -21 amendments relate to the structure of HB 2157B.
- 141 Neely Responds that the general “road map” has been removed and HB 2157 now has specific guidelines for each agency.
- 162 Rep. Macpherson Comments that the -21 amendments are not a complete “gut and stuff.” Asks if there will be another set of amendments.
- 172 Neely Replies that what is left to do is minor so requests the committee move the bill and address the final changes on the other side. Points to specific sections to further explain the changes in the -21 amendments.
- 201 Rep. Cameron Explains the work with agencies to remove the general language and provide more specificity.
- 223 Rep. Macpherson Assumes there are common themes throughout for all agencies. Asks if there are certain types of functions that will apply to everyone.

236	Rep. Cameron	Points to Section 2 of HB 2157B on general guidelines when people might be subject to fingerprinting.
257	Rep. Macpherson	Asks if the general standards in the old bill are gone, and now principles will generally apply in a more agency-specific manner.
263	Rep. Cameron	Answers correct.
272	Rep. Flores	Seeks clarification of the permissive language.
280	Neely	Points to Section 9 of the -21 amendments as an example of suggested language sent to every agency for consideration to use consistently throughout the statutes.
309	Rep. Flores	Asks about the concerns by the Oregon State Police (OSP) and the Federal Bureau of Investigation (FBI).
328	Helle Rode	DOJ. Responds that the some of the statutes that were in effect did not meet FBI requirements.
347	Andrea Meyer	American Civil Liberties Union of Oregon (ACLU). Provides some history of HB 2157B. Restates what ACLU has requested from the beginning. Questions how many people per agency could be affected. Reiterates their concern that the lottery commission is not included in HB 2157B.

TAPE 25, A

037	Rep. Vicki Berger	House District 20. Offers that the original HB 2157 was brought to the General Government Committee. Believes it is a well-constructed bill. Advises that numbers are not available as this is new territory. Urges movement to the Senate as the bill is critical to protect the public.
062	Taylor	Offers that a request could be made for a report by DOJ during the interim on the numbers requested by ACLU.
071	Rep. Cameron	Advises that OSP currently processes about 50,000 FBI background checks per year and estimates an increase of 20,000.

082	Meyer	Restates their concern about the numbers in the future.
093	Rep. Flores	Asks if the concern is for people with access to technology or payroll or sensitive information.
102	Meyer	Responds that the concern is about requiring fingerprints of people who have not committed crimes for non-criminal justice purposes. Doesn't want to create a system where any criminal history will cause a person to be unemployable.
134	Rep. Boquist	MOTION: Moves to ADOPT HB 2157B-21 amendments dated 7/7/05.
138	Rep. Macpherson	Comments that he doesn't like how HB 2157B has evolved. Points out the different criteria among agencies and believes there should be a well-defined policy that spans across agencies. Sees HB 2157 as a "work in progress."
		VOTE: 5-0-0
156	Chair Krieger	Hearing no objection, declares the motion CARRIED.
157	Rep. Boquist	MOTION: Moves HB 2157B to the floor with a DO PASS AS AMENDED recommendation.
161	Rep. Boquist	Has no problem with the section on the Oregon University System as written.
163	Rep. Barker	Agrees. Does not see why there would be objection to including professors who deal with young people.
168	Chair Krieger	Agrees. Sees no reason to exempt them.
		VOTE: 5-0-0
		AYE: In a roll call vote, all members present vote Aye.
170	Chair Krieger	The motion CARRIES. REP. CAMERON & REP. GALIZIO will lead discussion on the floor.

176 Chair Krieger Closes the work session on HB 2157B and opens a work session to introduce committee measure LC 3734 (**EXHIBIT B**) on eminent domain.

INTRODUCTION OF COMMITTEE MEASURE – WORK SESSION

178 Rep. Boquist **MOTION: Moves LC 3734 BE INTRODUCED as a committee bill.**

VOTE: 5-0-0

180 Chair Krieger **Hearing no objection, declares the motion CARRIED.**

182 Chair Krieger Closes the work session on committee measure introduction of LC 3734 and adjourns the meeting at 11:20 a.m.

EXHIBIT SUMMARY

- A. **HB 2157, B21 amendments, staff, 24 pp**
- B. **Introductions, LC 3734, staff, 2 pp**