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**SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT**

**February 25, 1996 Hearing Room A**

**1:00pm Tapes 70-71**

**MEMBERS PRESENT:**

**Sen. Neil Bryant, Chair**

**Sen. Randy Miller, Vice-Chair**

**Sen. Kate Brown**

**Sen. Gene Derfler**

**Sen. Randy Leonard**

**Sen. David Nelson**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**David Amesbury, Counsel**

**Andrea Terry, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 117**

SB 473

SB 443

HB 2264

**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 70, A</b>		
005	Chair Bryant	opens meeting at 1:16; opens work session on SB 117
<b><u>SB 117-- WORK SESSION</u></b>		
014	Amesbury	explains -2 amendments EXHIBIT A
025	Bryant	-2 are okay except for a couple of typographical errors
035	Amesbury	-2 amendments have already been adopted, so we are here to move the bill
<b>038</b>	<b>Sen. Miller</b>	<b>MOTION: Moves SB 117 to the floor with a DO PASS AS AMENDED recommendation.</b>
040	Bryant	no discussion, no objections close work session on SB 117 Sen. Leonard will carry SB 117
045	Amesbury	introduction of LC drafts <b>LC 3130 introduced as SB 672; LC 3381 introduced as SB 674; LC 2965 introduced as SB 673</b>
058	Bryant	move that the LC drafts become committee bills, no discussion, no objections
<b><u>SB 473--PUBLIC HEARING AND WORK SESSION</u></b>		
062	Bryant	open public hearing on SB 473

068	Bryant	explains SB 473 (there were no witnesses) allows personal representative named in the will to go ahead and file the small states preceding
078	Sen. Derfler	why is this needed
081	Bryant	explanation as to why decedent's wishes are being followed
097	Bryant	close public hearing on SB 473, open work session on SB 473
100	Sen. Brown	<b>MOTION: Moves SB 473 to the floor with a DO PASS recommendation.</b>
110	Bryant	no discussion, no objection will carry SB 473
<b><u>SB 443--PUBLIC HEARING AND WORK SESSION</u></b>		
120	Bryant	open public hearing on SB 443
121	Rob Bovett	Assistant Lincoln County Counsel
121	Bovett	EXHIBIT B
146	Sen. Leonard	who pays for the background check
150	Bovett	OSP has a standard fee that they charge the requesting agency pays
154	Brown	does this apply to current employees
161	Bovett	yes, but we are more concerned with the new hires
162	Bryant	I would encourage you to go back and look at your current employees, just from a liability stand point
168	Derfler	could I come to you and ask you to do a criminal background check on my neighbor
172	Bovett	no, there are very specific guidelines as to who can check this is an act of congress to open it up to those who work closely with children
182	John Heilman	Personnel Director for the Department of Human Resources
184	Heilman	volume of checks (10,000/yr.) as we read the bill we understood that the checks would be done by our department at the request of a certain county

		we are then asked to interpret the findings, we would like to be taken out of this responsibility
202	Sen. Leonard	you understand that this is current statute
206	Heilman	yes, we currently do criminal checks and we are being asked to add to our workload of doing approximately 10,000 more checks a year
222	Leonard	you want to be taken "out of the loop" of all your responsibilities in this area
225	Heilman	no, we just don't want the added responsibility
230	Sen. Brown	what he is saying makes sense in terms of the fact that these are county programs and not DHR programs, why should the county be able to access this information directly
238	Bryant	does LEDS (Law Enforcement Data System) require it to go through a state agency?
240	Heilman	our understanding is no
262	Bovett	the Federal Legislation requires a single clearing house, that is why DHR was set-up for this process  I don't believe the LED system allows just anyone to go in and run a check on another person
270	Bryant	does a county have direct access to LEDS
271	Bovett	no
279	Derfler	cost of these checks?
284	Heilman	OSP charge \$12 and then an additional \$24 is the FBI surcharge, so the total is \$36 if there is a result in a National Fingerprint Check (not all are federally checked)
286	Derfler	does DHR get reimbursed?
293	Heilman	we almost always charge \$36 to the agency requesting
295	Derfler	but you make nothing for your services
298	Heilman	correct, the administrative costs are absorbed by our department
313	Bryant	probably you could charge (with the approval of ways and means)
321	Bryant	how many searches would you be doing in a biennium
323	Heilman	Mental Health division gave us an estimate of 10,000 a year
343	Derfler	how many FTE's would it take to take on this additional responsibility of doing all the checks for Mental Health
365	Heilman	I don't know, maybe 10-12 FTE  possibly we could meet and discuss this bill
375	Brown	if the request can be made through the State Law Enforcement

		Agency why does another agency have to be involved
Tape 71, A		
003	Bovett	I am not sure why this is , this is how it historically developed in 1995
012	Bryant	close public hearing on SB 473; will bring back in the future  questions you need to think about:  1. can the counties do the background checks themselves or do they have to go through a clearing house?  2. recovering the administrative costs?
<b><u>HB 2264--PUBLIC HEARING AND WORK SESSION</u></b>		
025	Bryant	open public hearing on HB 2264
031	Doug Bray	Deputy State Court Administrator testify in favor of HB 2264
034	Bray	EXHIBIT C  EXHIBIT D
076	Bray	after the bill passed the house the Oregon Collector's Association raised an issue (see EXHIBIT D)
080	Bryant	close public hearing on HB 2264 and open work session on HB 2264
082	Derfler	moves the A engrossed amendments to HB 2264
084	Bryant	no discussion, no objections
<b>086</b>	<b>Sen. Derfler</b>	<b>MOTION: Moves HB 2264 to the floor with a DO PASS AS AMENDED recommendation.</b>
088	Bryant	no discussion, no objections  carrier: Sen. Nelson
090	Bryant	adjourns at 1:50pm

**Submitted By, Reviewed By,**

**Andrea Terry, David Amesbury,**

## **Administrative Support Counsel**

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### **EXHIBIT SUMMARY**

**A - Proposed amendments to Senate Bill 117, introduced by Legislative Counsel, 2 pages**

**B - Testimony from Rob Bovett in favor of Senate Bill 443, introduced by Rob Bovett, 1 page**

**C - Testimony of Douglas Bray on HB 2264, introduced by Douglas Bray, 2 pages**

**D - House Bill 2264 A-Engrossed, introduced by Douglas Bray, 1 page**

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