



## **ARIZONA BOARD OF FINGERPRINTING**

Mail Code 185 • Post Office Box 6129 • Phoenix, Arizona 85005-6129  
Telephone (602) 265-0135 • Fax (602) 265-6240

### **Final Minutes for Public Meeting**

Held February 22, 2008, at 8:30 a.m.

3839 North 3rd Street, Suite 107, Phoenix, Arizona

#### **Board Members**

Charles Easaw, Department of Education, Chair  
Kim Pipersburgh, Department of Health Services, Vice Chair  
Rand Rosenbaum, Administrative Office of the Courts  
Mike LeHew, Department of Economic Security  
Arthur W. Baker, Department of Juvenile Corrections

#### **Executive Director**

Dennis Seavers

### **CALL TO ORDER AND ROLL CALL**

Mr. Easaw called the meeting to order at 8:48 a.m. The following Board members were present: Charles Easaw, Kim Pipersburgh, Rand Rosenbaum, Mike LeHew, and Arthur W. Baker. No Board members were absent.

Also in attendance was Dennis Seavers, Executive Director.

### **CALL TO THE PUBLIC**

Mr. Easaw made a call to the public. No members of the public wished to speak at this portion of the meeting.

## MINUTES

Mr. Seavers said that position by the Department of Public Safety (“DPS”) on House Bill 2727 is currently neutral. He asked that the Board remove any reference in the draft minutes to DPS opposing the bill, especially since the minutes are available online and may cause confusion about DPS’ official position. He noted that references to DPS’ position were not essential to the minutes.

Mr. LeHew made a motion to remove references in the draft minutes to DPS opposing the bill, and Mr. Baker seconded. The motion passed, 5–0.

Mr. LeHew made a motion to approve the draft minutes from the February 8, 2008 meeting. Ms. Pipersburgh seconded the motion, which passed, 5–0.

## LEGISLATION

Mr. Seavers explained that House Bill (“HB”) 2254 was unanimously passed out of the House Committee on Natural Resources and Public Safety. He said that the bill was amended to prohibit the Board from granting a good cause exception to a person who had applied for a fingerprint clearance card for the purpose of Board employment or membership. He noted that the Board had opposed a similar provision in Senate Bill 1069 because, among other reasons, the provision would prevent certain individuals with no criminal convictions from being able to work for or serve on the Board. However, he suggested that it would be politically imprudent for the Board to try to have the provision removed.

Mr. Seavers told the Board that he, Mr. Easaw, and representatives from DPS had met with representatives from the Department of Economic Security (“DES”) to discuss concerns about and technical problems with HB 2727. The discussions yielded a possible solution that would allow DES to comply with the Adam Walsh Act without subjecting other agencies in the fingerprint-clearance-card system to the Act’s requirements. Under this proposal, a two-tiered card system, perhaps similar to the one that existed in 2003 and before, would be established. One tier would represent a higher level of clearance that met the requirements of the Adam Walsh Act. The other tier would represent a level clearance essentially similar to the one currently in law. Each agency in the card system could select which level of clearance it wanted for its programs. Mr. Seavers noted that in subsequent conversations, DES had expressed little enthusiasm for the two-tiered card system. Mr. Seavers said that he did not believe DES would agree to the two-tiered card system without external pressure, such as from the State Board of Education or the Arizona Education Association. He added that the two-tiered card system seemed like a better alternative than the proposal represented by the current form of HB 2727.

Mike Timmerman, Manager of DPS’ Applicant Processing Group, shared with the Board technical problems with the bill. For example, the offense of terrorism is listed in HB 2727 has both appealable and nonappealable. Mr. Timmerman said that he had identified these problems to DES.

Mr. Seavers also reported that HB 2727 had unanimously passed out of the House Committee on Human Services. He noted that the committee chairman and bill sponsor, Representative Pete Hershberger, was aware of concerns by the State Board of Education and the Arizona Education Association about the bill's impact on teachers. Rep. Hershberger announced that he would work with these groups to address the concerns, and Mr. Seavers hoped to participate in those discussions.

## **UPDATE ON FISCAL YEAR 2008 BUDGET**

Mr. Seavers reported that the budget bill that the Legislature introduced to adjust the fiscal year ("FY") 2008 appropriations did not have any provisions that would directly affect the Board. However, he believed it was probable that the Board of Fingerprinting Fund would be looked at for a potential fund sweep. He said that much of the anticipated year-end balance would be needed to carry the Board through the first quarter of FY 2009, so he would try to discourage any fund sweep.

## **ADJOURNMENT**

Mr. LeHew made a motion to adjourn the meeting, and Mr. Baker seconded. The motion passed, 5-0. Mr. Easaw adjourned the meeting at 9:25 a.m.

Minutes approved on March 7, 2008

---

Dennis Seavers, Executive Director