



ARIZONA BOARD OF FINGERPRINTING

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Final Minutes for Public Meeting

Held June 26, 2009, at 10:00 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
Ellen Kirschbaum, 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 10:00 a.m. The following Board members were present: Charles Easaw, Kim Pipersburgh, Ellen Kirschbaum, Brad Willis (alternate Board member for the Department of Economic Security), and Arthur W. Baker. No Board members were absent.

Also in attendance were Dennis Seavers, Executive Director, and Christopher Munns, Assistant Attorney General.

CALL TO THE PUBLIC

Mr. Easaw made a call to the public. There were no members of the public present.

APPROVAL OF MINUTES

Mr. LeHew made a motion to approve the draft minutes from February 20, 2009. Ms. Kirschbaum seconded the motion, which passed 5–0.

IMPLEMENTATION OF SENATE BILL 1049

Mr. Easaw referred the Board members to Mr. Seavers's June 22, 2009 memo on implementing Senate Bill 1049 (see Attachment 1).

Mr. Seavers referred in his memo to the assumption that the Board would issue the highest-level card that the law permits, since the criteria are the same for both types of cards. Under this assumption, the Board would issue a Level I card unless the applicant's criminal history precluded a Level I card. This practice would differ from the situation that existed when the Board had class-one and class-two cards from 1998 to 2003; at that time, the Board might issue a lower-level card if the Board determined that the applicant was partially but not fully rehabilitated. Mr. Munns agreed that if there were not a qualitative difference between Level I and standard cards, then the Board would issue the highest level of card possible based on the Board's findings about the applicant's criminal history.

CONSIDERING THE IMMIGRATION OR CITIZENSHIP STATUS OF GOOD-CAUSE-EXCEPTION APPLICANTS

Mr. Easaw noted that, while considering a good-cause-exception application, the Board had wondered whether it may consider the immigration or citizenship status of good-cause-exception applicants when deciding whether to grant a good cause exception.

Mr. Munns advised the Board that it should not consider the immigration or citizenship status of an applicant unless the person's crime is immigration-related. He advised that the status does not have a bearing on any of the criteria that the Board must consider when deciding whether an applicant is rehabilitated. He added that a good cause exception is not a license, and so the good-cause-exception process is not subject to the state law that requires agencies that issue licenses to verify that a person is present in the country legally.

Mr. LeHew made a motion to go into executive session under A.R.S. § 38–431.03(A)(3) for the purpose of receiving legal advice. Ms. Pipersburgh seconded the motion, which passed, 4–1. The Board went into executive session at 10:29 a.m.

The Board returned to open session at 10:43 a.m.

BOARD BUDGET

Mr. Easaw referred the Board members to Mr. Seavers's June 10, 2009 memo on the Board's budget (see Attachment 2).

Mr. Easaw asked whether it would be necessary to take personnel actions to help the Board absorb the proposed \$37,600 in personnel-related costs. Mr. Seavers said he did not think it was necessary yet, although it may become necessary in the future if revenues for the next few months are low. He said that he would continue to provide revenue reports to the Board to help it assess the health of the Board of Fingerprinting Fund. He added that the Board probably should make the \$37,600 transfer as soon as possible but could delay transfer of the \$29,500 fund sweep until later in the fiscal year to avoid a cash-flow problem. Mr. LeHew noted that personnel reductions would affect the Board's ability to comply with time frames. Ms. Kirschbaum said that it might be better to cut certain costs now in order to avoid personnel actions later.

Mr. Seavers said that the landlord had approached him about terminating the Board's lease for the conference-room space. The landlord received a query from a potential tenant about occupying both the Board's conference room and the vacant suite next to the Board's office. Mr. Seavers said that the Board spends about \$21,000 per year to rent the conference room. He said that the landlord had space upstairs that the Board could rent on a day-by-day basis for hearings and Board meetings. He estimated that the Board would spend about \$9,000 per year to rent on a day-by-day basis. He noted that there would be some disadvantages to terminating the lease, such as scheduling concerns or the absence of telecommunications (which would prevent conference calls).

Mr. Baker made a motion to authorize the executive director to relinquish the lease the Board's conference room. Ms. Kirschbaum seconded the motion, which passed 5-0.

EXECUTIVE DIRECTOR'S REPORT

Mr. Seavers referred Board members to his reports on the budget and strategic-plan performance. Regarding the budget, he noted that the Board's expenditures exceeded the budgeted expenditures only because of fund sweeps. For the strategic plan, he said that the processing times had increased because of the new law that went into affect requiring the Board (rather than the hearing officer) to make the final decision in cases. He said that this increase does not reflect a decline in the Board's performance.

Mr. Seavers referred Board members to his June 22, 2009 memo on legislation (see Attachment 3).

ADJOURNMENT

Ms. Pipersburgh made a motion to adjourn the meeting. The motion passed, 5–0. Mr. Easaw adjourned the meeting at 11:11 a.m.

Minutes approved on August 21, 2009

Dennis Seavers, Executive Director



Arizona Board of Fingerprinting Memo

TO: Board members
FROM: Dennis Seavers, Executive Director
C: Alternate Board members
Date: June 22, 2009
SUBJECT Senate Bill 1049 (conference committee)

N.B.: This memo has been revised from the corrected version of the original memo to reflect changes in the bill following the conference committee. The conference committee recommended amending the bill to remove the provision that would have added noncertificated school-district personnel to the fingerprint-clearance-card system.

SB 1049 is legislation that would substantially change the fingerprinting clearance card system. In its current form, it has two major provisions that would affect Board operations.

- The bill would bring Arizona into compliance with certain provisions of the Adam Walsh Child Protection and Safety Act ("AWA"). The bill creates bifurcated card system that would require the Board to alter policies and procedures to accommodate the changes.
- The bill would add non-certificated school-district personnel and certain charter-school personnel to the fingerprint-clearance-card system. This population would increase the Board's caseload by about 25%.

This memo summarizes the provisions of the bill that pertain to the Board. It also outlines issues that the Board should consider and that will affect how the Board conducts reviews. Finally, it identifies options for the Board to absorb the increased caseload, including hiring new employees.

BACKGROUND

Adam Walsh Act

President George W. Bush signed the AWA into law on July 27, 2006. Although much of the AWA contains provisions that deal with requirements for sex-offender registration,

portions of the bill establish criminal-background requirements for individuals involved with foster care and adoption.

DES, which regulates foster and adoptive parents, requested the introduction of SB 1049 as a way of complying with the AWA. The bill also requires several regulated populations, apart from foster and adoptive parents, to meet the same requirements that the AWA establishes for foster and adoptive parents. DES has said that failure to comply with this portion of the AWA by July 1, 2009, will jeopardize \$130 million in federal funds.

~~Non-certificated personnel~~

~~The bill was amended on the Senate floor to add a provision that was not related to the AWA and that would add new populations to the fingerprint-clearance-card system. Specifically, the bill would require non-certificated school-district employees (which includes personnel such as administrative employees, custodians, or school-bus drivers) to have fingerprint-clearance cards.~~

~~The bill was amended in the House to clarify that only personnel hired after June 30, 2009, need to meet the fingerprint-clearance-card requirement, effectively grandfathering the current employees.~~

Board position

The Board has so far taken a neutral position on the bill.

PROVISIONS OF THE BILL

Creation of Level I fingerprint clearance card

Under the bill, there would be two types of fingerprint clearance cards: (a) the current fingerprint clearance card, which is informally being referred to as a “standard” fingerprint clearance card and (b) a Level I fingerprint clearance card. The Level I card is more restrictive and complies with the AWA requirements. The Level I card includes all of the offenses that cause a standard fingerprint clearance card to be denied. However, it adds a few offenses and, for some offenses, prevents applicants from requesting a good cause exception for a Level I (but not a standard) fingerprint clearance card.

Specifically, the Level I card lists the following offenses, which are appealable for a standard card, as nonappealable.¹

- Manslaughter;
- Negligent homicide;
- Terrorism.

¹ In this context, “appealable” means that the applicant can request a good cause exception, while “nonappealable” means that the applicant is not eligible to request a good cause exception.

In addition, the Level I card adds some **felony** offenses to the list of nonappealable crimes. (The misdemeanor offenses would be appealable.)

- Assault-related offenses, if committed within five years before the date of applying for the card;
- Drug- or alcohol-related offenses, if committed within five years before the date of applying for the card;²
- Domestic-violence offenses;³
- Indecent exposure;
- Child neglect.

The following offenses are added to the nonappealable lists for both standard and Level I cards. Currently, these offenses do not cause a fingerprint clearance card to be denied or suspended.

- Unlawful sale or purchase of children;
- Child bigamy.

The following offense is added to the nonappealable list for a Level I card.

- Any offense involving any criminal act that results in death or physical injury or any criminal use of a deadly weapon or dangerous instrument.

The following offense is added to the appealable list for a Level I card. It is not a precluding offense for a standard fingerprint clearance card.

- Aiming a laser pointer at a police officer.

Criminal damage

The bill would amend the criminal code so that certain types of criminal damage are designated class-one misdemeanors rather than class-six felonies. Specifically, if the criminal damage was in an amount of more than \$250 but less than \$1,000, the crime would be a class-one misdemeanor. Criminal damage of \$1,000 or more would still be a class-six felony.

Under the bill, felony domestic-violence offenses are precluding offenses that are appealable for a standard card but nonappealable for a Level I card. However, if the domestic-violence allegation pertained to criminal damage that was a felony but would have been a misdemeanor under this bill—that is, if the criminal damage was in an amount more than \$250 but less than \$1,000—then the offense is appealable.

² Felony alcohol-related offenses that were committed more than five years before the date of applying for the card or misdemeanor alcohol-related offenses, regardless of when the misdemeanor offense occurred, would not be precluding offenses. Instead, if the misdemeanor alcohol-related offense occurred within the past five years, the applicant would have a driving restriction placed on the card.

³ The bill has an exception for certain instances of felony criminal damage involving domestic violence. See the section entitled “Criminal damage” below.

Programs that would be required to have a fingerprint clearance card

The following programs and agencies would be required to have a Level I fingerprint clearance card. However, the Board should note that there are grandfathering provisions, as discussed in the section below.

- Board of Fingerprinting members and employees
- Child day care (DES and DHS)
- Child care home provider (DES)
- Child welfare and adolescent behavioral-health treatment (DES only)
- CPS workers (DES)
- Programs for individuals with developmental disabilities (DES)
- ~~Domestic violence or homeless shelters (DES)~~
- ~~Residential or nursing care institutions and home health agencies (DHS)~~
- ~~JOBS/WIA programs (DES)~~
- Adoption (DES)
- Foster care (DES)
- DES non-CPS employees

~~In addition, agencies, employers, providers, or vendors that regulate programs that statutorily don't require a Level I card may nonetheless require the Level I card. For example, the employees of the Department of Emergency and Military Affairs ("DEMA") are required to have a standard fingerprint clearance card but would not be required to have a Level I card. However, DEMA could, if it wished, require its employees to have Level I cards.~~

Grandfathering provisions

If a standard fingerprint clearance card is issued before the effective date of the bill,⁴ it will remain valid—even for a program that requires a Level I card, except for foster and adoptive parents—until the card expires or unless the cardholder commits a precluded offense.

If a standard fingerprint clearance card is issued before the effective date of the bill for foster or adoptive parents, the card will remain valid if the cardholder has been certified by the court to adopt or has been issued a foster-home license before the bill's effective date.

THE ROLE OF DPS

DPS has indicated that it plans to have a single application for both types of cards and to issue the highest level of card that the law permits. There will not be two separate applications, one for a standard card and one for a Level I card. Depending on the circumstances of the case, DPS may take one of several actions.

⁴ The bill contains an emergency clause, which means that it would become effective immediately when signed by the governor.

- Issue a Level I card (or a driving-restricted Level I card)
- Deny a Level I card but issue a standard card (or a driving-restricted standard card)
- Deny both Level I and standard cards

DPS will apply the new law beginning July 1, 2009. Therefore, the Board will need to track when DPS denied an application to determine whether an appeal is governed by the law changes that appear in SB 1049. At least for a couple of years, the Board will continue to see cases that are unaffected by SB 1049 and where the Board would not issue a Level I card, regardless of circumstances of the case.

IMPACT ON THE BOARD

Creation of Level I cards

The current fingerprint-clearance-card statutes focus on the crime that an applicant was charged with rather than the designation (i.e., felony or misdemeanor) of the offense. For example, A.R.S. § 41-1758.03(C)(4) lists assault as a precluding offense, but it does not distinguish between felony assault and misdemeanor assault. However, when determining whether an applicant is eligible for Level I cards, the Board must consider the designation of the offense and, depending on the crime, when the offense occurred.

Unfortunately, information about the designation of an offense often will not be available, but the Board will still be required to make findings about the designation of an offense. These findings may have to be based on evidence that may be unreliable, such as an applicant's testimony. Furthermore, Board members may need to better familiarize themselves with the elements of crimes to understand their classifications.

The criteria that the Board must consider before granting a good cause exception are the same for both Level I and standard cards. These currently criteria appear in A.R.S. § 41-619.55(C) and (E) and are not changed by SB 1049. Since the criteria are the same for both types of cards, I assume that the Board would issue the highest-level card that the law permits. In other words, the Board would issue a Level I card unless the applicant's criminal history precluded a Level I card. (This practice would differ from the situation that existed when the Board had class-one and class-two cards from 1998 to 2003; at that time, the Board might issue a lower-level card if the Board determined that the applicant was partially but not fully rehabilitated.) However, I believe the Board should request advice on this issue from its assistant attorney general, who plans to be present at the June 12, 2009 business meeting.

Attachment 1 offers various hypothetical cases and explains how they would be handled by DPS and the Board. The cases illustrate the various questions that the Board will face when deciding whether to grant or deny an application.

Addition of non-certificated personnel to the fingerprint-clearance-card system

~~According to DPS, in CY 2008, school districts and charter schools requested background checks for 16,000 non-certificated personnel who were not required to have fingerprint clearance cards. If this number is consistent from year to year, there would be an increase of 16,000 fingerprint clearance card applications per year. In turn, the Board would see about 500 additional good cause-exception applications per year, a caseload increase of about 25%.~~

~~The Board's current staff cannot absorb this caseload increase, given the current business process. Assuming that the Board does not want to substantially change the current business process (apart from the changes required by the AWA-related legislative provisions), the Board would need to increase its staff size.⁵~~

~~Bringing DES into compliance with the relevant portions of the AWA is a priority for the Governor's Office. An appropriation to cover up-front costs for the Board to hire new employees may jeopardize the bill or its emergency clause, and it is unlikely that legislators would agree to include an appropriation in the bill. In addition, a fee increase would burden stakeholders, negatively affect DPS, and face administrative obstacles.~~

~~I have had several discussions with the Governor's Office, the bill sponsor, and others about issue of ensuring funding for the Board to hire additional staff members. At the Board meeting, I should have additional information.~~

⁵~~-Shifting work from employees to Board members would be an example of a change to the business process that might allow the current staff to absorb the caseload increase. Such a business-process change would place substantial additional demands on the Board's time.~~

No.	Description	DPS's role	Board's role
1	The applicant was charged with and convicted of a 2006 felony assault.	<ul style="list-style-type: none"> • Deny Level I (nonappealable) • Deny standard (appealable) <p>Felony assault committed within five years of the date of applying for a card is a precluding offense for both standard and Level I cards. It is nonappealable for a Level I card and appealable for a standard card.</p>	The Board would determine whether the applicant is rehabilitated. If he is rehabilitated, the Board would issue a good cause exception for a standard card. The Board could not issue a good cause exception for a Level I card.
2	The applicant was charged with and convicted of a 2006 assault. DPS determines that the assault was a misdemeanor.	<ul style="list-style-type: none"> • Deny Level I (appealable) • Deny standard (appealable) <p>Misdemeanor assault, regardless of when it occurs, is a precluding offense for both standard and Level I cards. It is appealable for either card.</p>	The Board would determine whether the applicant is rehabilitated. If she is rehabilitated, the Board would issue a good cause exception for a Level I card. ¹
3	The applicant was charged with and convicted of a 2001 felony assault.	<ul style="list-style-type: none"> • Deny Level I (appealable) • Deny standard (appealable) <p>Felony assault, regardless of when it occurs, is a precluding offense for both standard and Level I cards. Since the offense did not occur within five years of the date of applying for a card, it is appealable for a Level I card, as well as a standard card.</p>	The Board would determine whether the applicant is rehabilitated. If he is rehabilitated, the Board would issue a good cause exception for a Level I card. (See footnote 1.)
4	The applicant was charged with and convicted of a 2006 assault. DPS cannot determine whether the offense was a felony or misdemeanor.	<ul style="list-style-type: none"> • Deny Level I (appealable) • Deny standard (appealable) <p>Although felony assault committed within five years of the date of apply for a card is a nonappealable precluding offense for a Level I card, DPS cannot determine whether the offense was a felony. Therefore, the applicant can appeal for a Level I card. Assault, regardless of the designation, is an appealable precluding offense for a standard card.</p>	The Board would make a finding of whether the applicant's offense was a felony (including a class-six undesignated offense). The Board would determine whether the applicant is rehabilitated. If he is rehabilitated and the offense was a felony, the Board would issue a standard card. If he is rehabilitated and the offense was a misdemeanor, the Board would issue a good cause exception for a Level I card. (See footnote 1.)

¹ This analysis assumes that the Board would need to issue the higher-level card because the criteria for determining rehabilitation in A.R.S. § 41-619.55(E) is the same for both card types. For additional information, please see the section "Creation of Level I cards" under "Impact on the Board."

No.	Description	DPS's role	Board's role
5	The applicant was charged with and convicted of aiming a laser pointer at a law-enforcement officer.	<ul style="list-style-type: none"> • Deny Level I card (appealable) • Issue standard card <p>The crime is a nonprecluding crime for a standard card. It is an appealable precluding offense for a Level I card.</p>	The Board would determine whether the applicant is rehabilitated. If she is rehabilitated, the Board would issue a good cause exception for a Level I card.
6	The applicant was charged with a 2005 aggravated DUI. DPS cannot determine the final disposition of the charge.	<ul style="list-style-type: none"> • Deny Level I (appealable) • Issue standard card with driving restriction² <p>DUI offenses are not precluding offenses for standard cards. However, if the offense occurred within five years of the date of applying for the card, DPS will place a driving restriction on the card.</p> <p>Felony alcohol-related crimes are nonappealable precluding offenses for Level I cards. Aggravated DUI is a felony offense. Since DPS cannot determine the disposition of the charge, the applicant can request a good cause exception.</p>	The Board would determine whether the applicant was convicted of the felony charge. If she was convicted of the felony charge, the Board would deny the application, regardless of evidence of rehabilitation. If she was not convicted of the charge or was convicted of an amended misdemeanor charge, the Board would issue a good cause exception for a Level I card.
7	The applicant was charged with and convicted of felony disorderly conduct involving domestic violence.	<ul style="list-style-type: none"> • Deny Level I (nonappealable) • Deny standard (appealable) <p>Felony domestic-violence offenses (excluding certain criminal-damage offenses), regardless of when they occur, are nonappealable precluding offenses for Level I cards. However, they are appealable precluding offenses for standard cards.</p>	The Board would determine whether the applicant is rehabilitated. If he is rehabilitated, the Board would issue a good cause exception for a standard card. The Board could not issue a good cause exception for a Level I card.

² The driving restriction specifies that the cardholder cannot transport employees or clients as part of the cardholder's employment responsibilities.

Attachment 1. Examples of how fingerprint-clearance-card applications received beginning July 1, 2009, will be handled by DPS and the Board

No.	Description	DPS's role	Board's role
8	<p>The applicant was charged with felony disorderly conduct involving domestic violence in 1995. DPS determines that the applicant was convicted of the domestic-violence-related offense but cannot determine the designation.</p>	<ul style="list-style-type: none"> • Deny Level I (appealable) • Deny standard (appealable) <p>Although felony domestic-violence offenses (excluding certain criminal-damage offenses) are nonappealable precluding offenses for Level I cards, the applicant can appeal for the Level I card because DPS could not determine the designation. All domestic-violence offenses are appealable precluding offenses for Level I cards.</p>	<p>The Board would determine (a) whether the applicant was convicted of a felony or misdemeanor and (b) whether the applicant is rehabilitated. If her conviction was for a misdemeanor domestic-violence offense, and if she is rehabilitated, the Board would issue a good cause exception for a Level I card. If her conviction was a felony domestic-violence offense, and if she is rehabilitated, the Board would (a) deny her good-cause-exception application for a Level I card and (b) issue a good cause exception for a standard card.</p>



Arizona Board of Fingerprinting Memo

TO: Board members
FROM: Dennis Seavers, Executive Director
C:
Date: June 10, 2009
SUBJECT FY09 and FY10 budget; impact on Board of Fingerprinting Fund

This memo provides an update on the Board's FY09 budget performance. It also provides information about the Board's fund balance and the impact of possible fund sweeps.¹

Since this report constitutes the Board's quarterly budget report, Attachment 1 compares the Board's actual and budgeted expenditures through the third quarter of FY09. However, the remainder of this memo provides more up-to-date information to provide a more accurate picture about the Board of Fingerprinting Fund ("BOFF").

SUMMARY

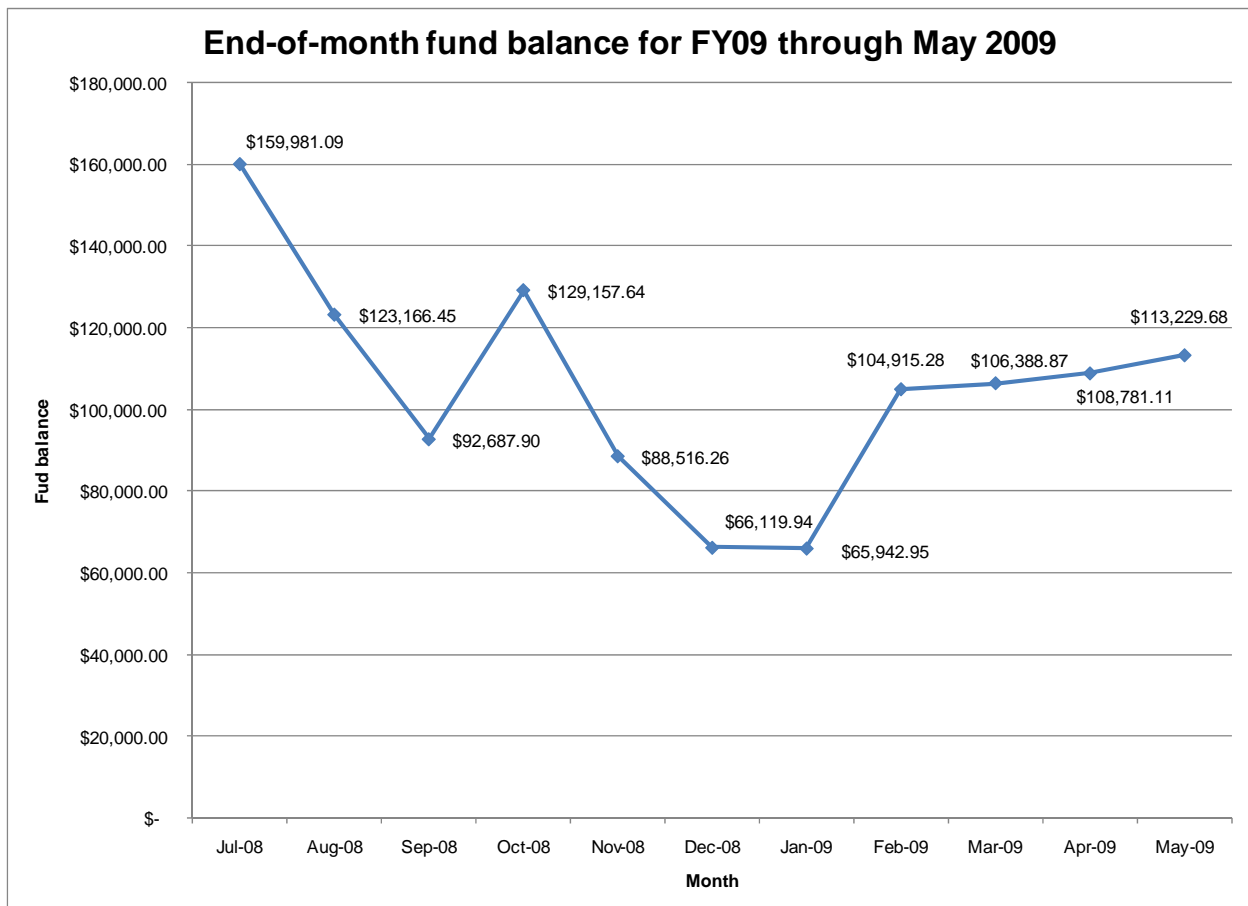
- The Board's revenues through May 31, 2009, have been \$74,905.66 less than anticipated in the FY09 budget.
- The Board's expenses through May 31, 2009, have been \$40,491.52 more than budgeted. However, this amount includes \$51,000 that the Legislature swept from the Board's fund. Excluding fund sweeps, the Board's expenses have been \$10,508.48 less than budgeted.
- As of May 31, 2009, the Board's fund balance was \$113,229.68. The projected end-of-FY09 balance is \$106,333.06, assuming that the Board does not expend about \$9,000 in budgeted computer costs.
- All major FY10 budget proposals—including the recently passed budget bill and the governor's proposal—would sweep \$67,100 from the Board of Fingerprinting Fund.

¹ A fund sweep occurs when the Legislature takes special action to transfer monies from an agency fund to another fund, normally the General Fund. The purpose of a fund sweep is to increase the amount of funds available in another fund.

FUND BALANCE

- As of May 31, 2009—the last date when there was an end-of-month reconciliation with AFIS (the state accounting system) data—the BOFF balance was \$113,229.68.
- As of June 8, 2009, the BOFF balance was \$95,996.20, with no pending deposits and \$70.75 in pending expenditures.
- As of June 5, 2009, the Board’s annual-leave liability was \$23,579.12.²

The table below shows the balance of the BOFF at the end of each month in FY09. The fund balance has stabilized since the Board’s July 1, 2008 fee increase went into effect.

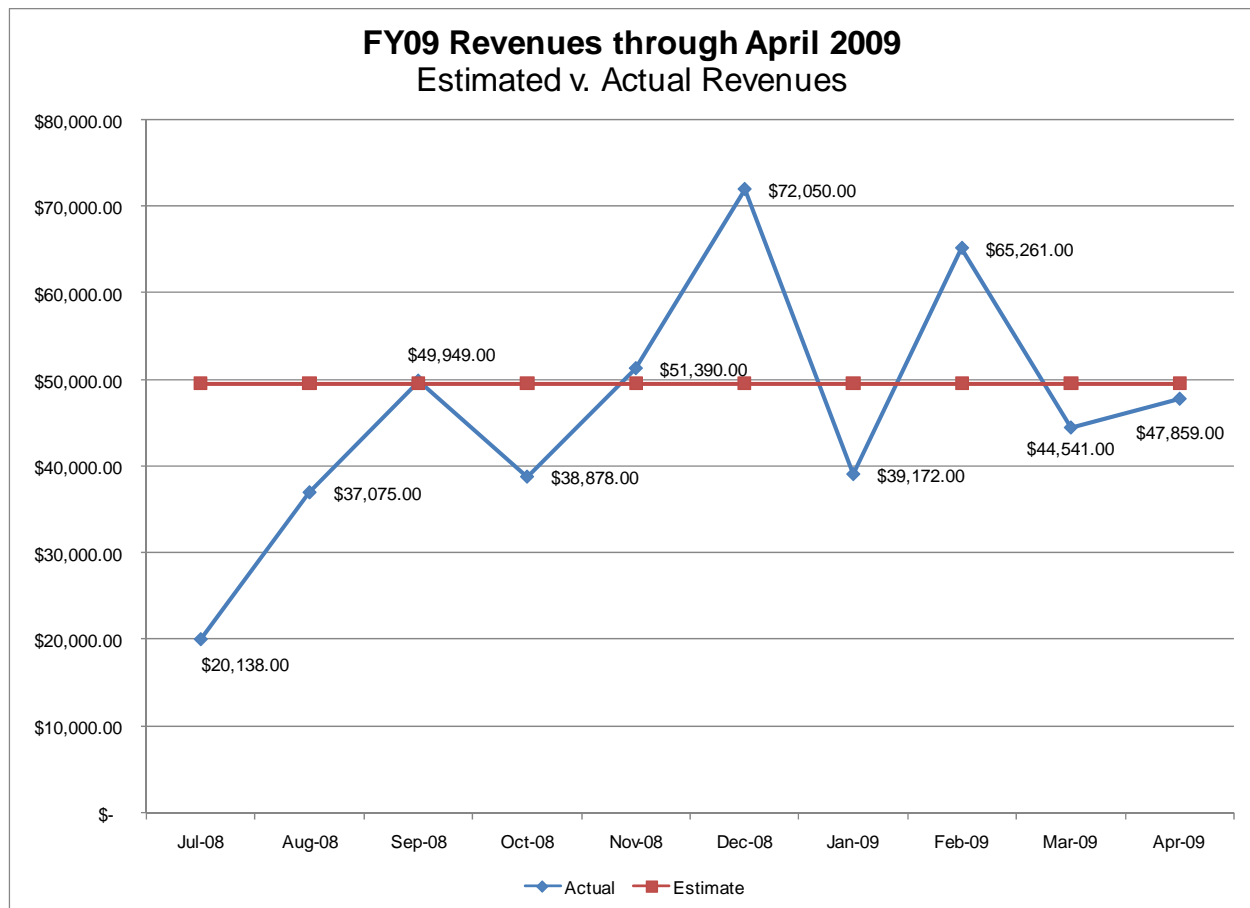


Revenues

The Board’s budget assumed that the Board would collect \$595,000 in fee revenues in FY09. The Board’s projection of revenue collections through April 2009 was

² Annual-leave liability refers to accrued vacation hours. If a Board employee with accrued vacation hours were to separate from the state and not take a position immediately with another state agency, then the Board would have to make a one-time payout for the accrued hours.

\$495,833.33.³ The actual fiscal-year-to-date collections have been \$466,313.00, or \$29,520.33 less than estimated. The chart below shows revenue collections by month for the fiscal year through April 2009.



Expenditures

For FY09 through May 31, 2008, the Board budgeted \$530,118.97 in expenditures. It actually spent \$570,610.49—\$40,491.52 or about 7.6% more than anticipated. However, the difference is due to unplanned fund sweeps rather than overspending. In FY09, the Legislature transferred \$51,000 from the Board of Fingerprinting Fund to the General Fund to help address the state’s budget shortfall.

Excluding the fund sweeps, the Board’s total expenditures amounted to \$519,610.49—\$10,508.48 less than budgeted.

³ For ease of calculation, the estimate assumes that each monthly collection will be equal. In reality, monthly revenues vary significantly, as indicated in the table entitled “FY09 Revenues through April 2009.” Please note that collections in one month are not transferred until the following month. For example, April 2009 collections were transferred from DPS to the Board in May 2009.

BUDGET PROPOSALS FOR FY10

Fund sweeps

All major budget proposals, including recently passed legislation and the governor's proposal, would require the Board to transfer \$29,500 to the General Fund as soon as possible. However, the Board could delay payments in order to avoid a cash-flow problem.

Cuts to personnel costs

The Legislature has mandated that the Board transfer monies from the BOFF to the General Fund based on personnel-cost reductions. "Personnel costs" includes both salaries (i.e., personal services) and associated benefits (i.e., employee-related expenditures). The Board's reduction would be \$37,600.00.

According to OSPB, since the BOFF is nonappropriated, the Board is not required to reduce personnel costs *if* the Board can cover the \$37,600 transfer, in addition to the \$29,500 transfer from the fund sweep. If the Board cannot cover the \$37,600 transfer with the existing fund balance or with other spending cuts, it must reduce personnel costs.

Arizona Board of Fingerprinting
Budget vs. Actual
July 2008 through March 2009

	<u>Jul '08 - Mar 09</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Income				
4900 - Transfers In				
4901 - Operating Transfers In	378,111.00	446,249.98	-68,138.98	84.73%
Total 4900 - Transfers In	378,111.00	446,249.98	-68,138.98	84.73%
 FY08 Carryover	 213,329.17	 165,000.00	 48,329.17	 129.29%
Total Income	591,440.17	611,249.98	-19,809.81	96.76%
Expense				
6000 - Personal Services				
6010 - Basic Compensation				
6011 - Regular Base Salary	198,310.47			
Total 6010 - Basic Compensation	198,310.47			
 6030 - Exception Compensation				
6028 - 2.75% Performance Pay	6,364.48			
6031 - Overtime	215.90			
Total 6030 - Exception Compensation	6,580.38			
 6040 - Leave Compensation				
6041 - Annual Leave	14,538.53			
6042 - Sick Leave	7,223.15			
6048 - Holiday Leave Taken	10,220.63			
6049 - Other Compensated Leave	1,000.00			
Total 6040 - Leave Compensation	32,982.31			
 6000 - Personal Services - Other	0.00	232,996.50	-232,996.50	0.0%
Total 6000 - Personal Services	237,873.16	232,996.50	4,876.66	102.09%
 6100 - ERE				
6110 - Insurance				
6111 - FICA	17,077.70			

Arizona Board of Fingerprinting
Budget vs. Actual
July 2008 through March 2009

	<u>Jul '08 - Mar 09</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
6113 - Medical Insurance	42,443.87			
6114 - Basic Life	215.45			
6116 - Long-term Disability	1,189.57			
6117 - Unemployment Insurance	330.68			
6118 - Dental Insurance	2,837.36			
6119 - Worker's Compensation	3,115.26			
Total 6110 - Insurance	<u>67,209.89</u>			
6150 - Retirement Plan Payments				
6155 - ASRS	21,304.50			
Total 6150 - Retirement Plan Payments	<u>21,304.50</u>			
6180 - Other ERE				
6183 - Personal Services	2,545.37			
6185 - GITA Charge	475.69			
6186 - Atty. Gen. Pro Rata Chg.	1,524.07			
6189 - Sick Leave Accumulation	1,032.90			
Total 6180 - Other ERE	<u>5,578.03</u>			
6100 - ERE - Other	0.00	88,538.67	-88,538.67	0.0%
Total 6100 - ERE	<u>94,092.42</u>	<u>88,538.67</u>	<u>5,553.75</u>	<u>106.27%</u>
6200 - Prof. & Outside Services				
6210 - Financial Services				
6211 - Bond Issuance Cost	1,800.34	1,350.00	450.34	133.36%
Total 6210 - Financial Services	<u>1,800.34</u>	<u>1,350.00</u>	<u>450.34</u>	<u>133.36%</u>
6270 - Education & Training				
6271 - Education & Training	48.00	100.00	-52.00	48.0%
Total 6270 - Education & Training	<u>48.00</u>	<u>100.00</u>	<u>-52.00</u>	<u>48.0%</u>
6290 - Other Prof. & Out. Svcs.				

Arizona Board of Fingerprinting
Budget vs. Actual
July 2008 through March 2009

	<u>Jul '08 - Mar 09</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
6299 - Other Prof. & Out. Svcs.	9,316.00	8,100.00	1,216.00	115.01%
Total 6290 - Other Prof. & Out. Svcs.	<u>9,316.00</u>	<u>8,100.00</u>	<u>1,216.00</u>	<u>115.01%</u>
Total 6200 - Prof. & Outside Services	11,164.34	9,550.00	1,614.34	116.9%
7000 - Other Operating				
7150 - IT Services				
7153 - Internal Svc. Data Proc.	7,982.83	6,300.00	1,682.83	126.71%
7172 - External Comm. Long Dist	10,330.02	9,749.98	580.04	105.95%
7179 - Other External Comm.	2,615.56	1,874.98	740.58	139.5%
Total 7150 - IT Services	<u>20,928.41</u>	<u>17,924.96</u>	<u>3,003.45</u>	<u>116.76%</u>
7200 - Rental Expenditures				
7221 - Rental of Land & Bldgs.	48,843.45	48,843.45	0.00	100.0%
Total 7200 - Rental Expenditures	<u>48,843.45</u>	<u>48,843.45</u>	<u>0.00</u>	<u>100.0%</u>
7250 - Repair & Maintenance				
7266 - Repair/Maint-Other Equip	1,432.46	929.98	502.48	154.03%
Total 7250 - Repair & Maintenance	<u>1,432.46</u>	<u>929.98</u>	<u>502.48</u>	<u>154.03%</u>
7300 - Operating Supplies				
7321 - Office Supplies	4,266.70	9,000.00	-4,733.30	47.41%
Total 7300 - Operating Supplies	<u>4,266.70</u>	<u>9,000.00</u>	<u>-4,733.30</u>	<u>47.41%</u>
7470 - Printing & Photography				
7471 - Internal Printing	0.00	100.00	-100.00	0.0%
Total 7470 - Printing & Photography	<u>0.00</u>	<u>100.00</u>	<u>-100.00</u>	<u>0.0%</u>
7480 - Postage & Delivery				
7481 - Postage & Delivery	6,817.67	11,250.00	-4,432.33	60.6%
Total 7480 - Postage & Delivery	<u>6,817.67</u>	<u>11,250.00</u>	<u>-4,432.33</u>	<u>60.6%</u>

Arizona Board of Fingerprinting
Budget vs. Actual
July 2008 through March 2009

	<u>Jul '08 - Mar 09</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
7500 - Miscellaneous Operating				
7511 - Awards	0.00	200.00	-200.00	0.0%
7531 - Dues	94.00			
7541 - Books, Subscr., & Pubs.	6,830.29	6,374.98	455.31	107.14%
Total 7500 - Miscellaneous Operating	<u>6,924.29</u>	<u>6,574.98</u>	<u>349.31</u>	<u>105.31%</u>
Total 7000 - Other Operating	89,212.98	94,623.37	-5,410.39	94.28%
8500 - Non-capital Equipment				
8550 - EDP Equip PC/LAN Non-cap				
8551 - EDP Equip. Non-cap Purch	0.00	5,999.99	-5,999.99	0.0%
Total 8550 - EDP Equip PC/LAN Non-cap	<u>0.00</u>	<u>5,999.99</u>	<u>-5,999.99</u>	<u>0.0%</u>
8580 - Non-capitalized Software				
8583 - PC/LAN Software Non-cap.	708.40	750.00	-41.60	94.45%
Total 8580 - Non-capitalized Software	<u>708.40</u>	<u>750.00</u>	<u>-41.60</u>	<u>94.45%</u>
Total 8500 - Non-capital Equipment	708.40	6,749.99	-6,041.59	10.5%
9100 - Transfers Out				
9101 - Operating Transfers Out	52,000.00	1,714.00	50,286.00	3,033.84%
Total 9100 - Transfers Out	<u>52,000.00</u>	<u>1,714.00</u>	<u>50,286.00</u>	<u>3,033.84%</u>
Total Expense	<u>485,051.30</u>	<u>434,172.53</u>	<u>50,878.77</u>	<u>111.72%</u>
Net Income	<u><u>106,388.87</u></u>	<u><u>177,077.45</u></u>	<u><u>-70,688.58</u></u>	<u><u>60.08%</u></u>



Arizona Board of Fingerprinting Memo

TO: Board members
FROM: Dennis Seavers, Executive Director
C:
Date: June 22, 2009
SUBJECT: Pending legislation

This memo summarizes proposed legislation that would significantly affect the Board of Fingerprinting. Budget bills are not discussed in this memo. I am sending a separate memo that discusses SB 1049.

The Board should note that Senate bills have been on hold for much of the session until a budget was passed. Recently, the Senate began assigning bills to committees for hearings.

BOARD-PROPOSED LEGISLATION

SB 1009 (board of fingerprinting; hearings)

Sen. Linda Gray, chairperson of the Senate Committee on Public Safety and Human Services, has sponsored SB1009 for the Board. The legislation would do the following.

- Permit the board to consider substantiated allegations of vulnerable-adult abuse or neglect when deciding whether to grant an application;
- Permit the Board to deny an application if an applicant fails to appear at an administrative hearing without good cause.

The legislation has cleared the Senate and is being considered by the House.

OTHER LEGISLATION

HB2031 (schools; contractors; fingerprint clearance cards)

This bill would mandate that school districts require certain contractors, subcontractors, or vendors or employees of contractors, subcontractors, or vendors to have a fingerprint clearance card. However, individuals in a teacher-preparation program would be

excluded. No stakeholders have been able to give a reliable estimate of how many people would need to get a fingerprint clearance card.

The bill has cleared the House committees and is being considered by the Senate.