

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1401

By: Murphey

AS INTRODUCED

An Act relating to state government; creating the Task Force on Unification of Fingerprinting Processes for Employment; stating purpose; providing for scope of study; providing for membership; requiring organizational meeting; designating a chair; providing for quorum; providing for travel reimbursement; providing for staff assistance; requiring final report; and providing for noncodification.

SECTION 1. NEW LAW A new section of law not to be

codified in the Oklahoma Statutes reads as follows:

A. There is hereby created, until November 30, 2015, the Task Force on Unification of Fingerprinting Processes for Employment. The purpose of the Task Force shall be to review, study, and provide recommendations for resolution of issues related to existing criminal background screening processes for employment put in place by the Department of Health pursuant to the Long Term Care Security Act; the Oklahoma State Department of Human Services, pursuant to the Child Care Block Grant of 1990 (42 U.S.C., Section 9858 et seq.)

1 and the Oklahoma School Code of 1971. Issues to be analyzed
2 include, but are not limited to:

3 1. Conflicting processes and different sets of statutory
4 requirements set forth in Section 401 et seq. of Title 10 of the
5 Oklahoma Statutes, Section 1-1944 et seq. of Title 63 of the
6 Oklahoma Statutes and Section 5-142 of Title 70 of the Oklahoma
7 Statutes;

8 2. Inconsistent and duplicative costs and payment obligations
9 associated with mandated fingerprinting processes;

10 3. Differing enforcement mechanisms set forth in statutory
11 requirements;

12 4. Significant variation in specifically mandated processes
13 and protocol;

14 5. Extensive waiting times for fingerprinting results;

15 6. Limited number and hours of fingerprinting locations;

16 7. The possibility of creating a unified criminal background
17 screening results clearinghouse; and

18 8. Statutory and procedural conflict with the Equal Employment
19 Opportunity Commission's Guidance on criminal background screenings.

20 B. The Task Force shall recommend any actions or legislation
21 that it deems necessary or appropriate.

22 C. The Task Force shall be composed of fifteen (15) members as
23 follows:
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1 1. Seven members appointed by the President Pro Tempore of the
2 Oklahoma State Senate as follows:

- 3 a. one member of the Senate who serves on the Committee
4 on General Government,
- 5 b. one member who represents the Criminal History
6 Division of the Oklahoma State Bureau of
7 Investigation,
- 8 c. one member who represents plaintiffs in labor and
9 employment legal actions,
- 10 d. one member who represents the Protective Health
11 Division of the State Department of Health,
- 12 e. one member who represents the Child Care Division of
13 the Department of Human Services,
- 14 f. one member who represents Oklahoma industries that
15 employ professionals in more than one system, and must
16 therefore access more than one criminal background
17 system for prospective employees, and
- 18 g. one member who represents a statewide association of
19 classroom teachers; and

20 2. Eight members appointed by the Speaker of the Oklahoma House
21 of Representatives as follows:

- 22 a. one member of the House of Representatives who shall
23 be the chair of the Committee on State Government
24 Operations,

- 1 b. one member who represents the Office of Civil Rights
2 in the office of the Oklahoma Attorney General,
3 c. one member who represents the Teacher Certification
4 Division of the Oklahoma State Department of
5 Education,
6 d. one member who represents a statewide association of
7 child care providers,
8 e. one member who represents an areawide agency on aging,
9 f. one member who represents Oklahoma industries that
10 employ professionals in more than one system, and must
11 therefore access more than one criminal background
12 system for prospective employees,
13 g. one member who represents a statewide association of
14 urban and rural hospitals, and
15 h. one member who serves on the Governor's Council on
16 Workforce and Economic Development.

17 D. The members of the Task Force shall serve at the pleasure of
18 the appointing authority.

19 E. The chair of the House Committee on State Government
20 Operations shall call the first meeting.

21 F. The chair and vice-chair of the Task Force shall be selected
22 by the Task Force from among the members.

23 G. A quorum of the Task Force shall be required for any final
24 action by the Task Force.

1 H. Members of the Task Force shall receive no compensation for
2 their service.

3 I. Staff support for the Task Force shall be provided by the
4 Department of Human Services and State Department of Health.

5 J. The Task Force shall report its findings, including any
6 legislative recommendations, to the President Pro Tempore of the
7 Oklahoma State Senate and the Speaker of the Oklahoma House of
8 Representatives by November 30, 2015.

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