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FISCAL IMPACT REPORT

SPONSOR: Payne DATE TYPED: 03/11/03 HB _____

SHORT TITLE: MVD and Selective Service System SB 316/aSPAC

ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB 89

SOURCES OF INFORMATION

Responses Received From
 Taxation and Revenue Department (TRD)
 Department of Military Affairs

SUMMARY

Synopsis of SPAC Amendments

Two references in the bill regarding a ~~male U.S. citizen or immigrant who is under the age of 26~~ have been deleted by the Senate Public Affairs Committee and replaced with the following clarifying language: *Every male citizen of the state of New Mexico and every other male person residing in the State of New Mexico who, on the day or days fixed for the first or any subsequent Selective Service Act registration, is between the ages of eighteen and twenty-six...*

Originally, SB 316 stated that the name and personal information of a male driver between 18 and 26 shall be forwarded to the Selective Service by MVD upon issuance of a driver's license. An SPAC amendment changes the requirement so that the applicant shall be offered the opportunity to consent to his personal information being forwarded. Changing this language keeps MVD's current process status quo, pursuant to an MOU between the Selective Service and the Motor Vehicle Division. The process is consensual, not required.

Three other amendments to the bill insert language regarding the applicant's "consent" to Selec-

tive Service registration in lieu of “submission” to such action.

Part of subsection C on page 2 is deleted: ~~If under the age of 18, applicants will be registered by the selective service system upon attaining the age of 18 as required by federal law.~~ And, an amendment creating subsection D is added to SB 316 regarding how the provisions of the bill are applicable to one’s immigration status:

D. The provisions of this section shall not be applicable to any alien lawfully admitted to the United States as a nonimmigrant under section 101 (a) (15) of the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U.S.C. 1101), for so long as he continues to maintain a lawful nonimmigrant status in the United States.

The effective date of July 1, 2003 remains the same.

Synopsis of Original Bill

SB 316 adds a new section to the Motor Vehicle Code requiring that personal information from a driver’s license application or identification card be forwarded to the Selective Service System by the Motor Vehicle Division.

The provisions of this bill apply only to United States citizens or immigrants who are male and between the ages of eighteen and twenty-six, pursuant to the requirements of the federal Military Selective Service Act, 50, U.S.C. App. 453 et seq.

The effective date of this legislation is July 1, 2003.

Significant Issues

1. The Motor Vehicle Division (MVD) signed an MOU with the Selective Service in 2000 for transmitting personal information to the Selective Service. Under the current MOU agreement, an individual obtaining a driver’s license can choose on the application form whether or not he wants to register with the Selective Service, or he can simply ignore the question on the driver’s license application and not respond.
2. SB 316 will supercede the MOU. Upon issuance of a driver’s license, the name and personal information of a male driver between 18 and 26 shall be forwarded to the Selective Service. According to HB 316, the applicant’s submission of the driver’s license application will serve as an indication that the applicant has already registered with the Selective Service as required by federal law, or that he is authorizing MVD to forward his information to the Selective Service.
3. Under SB 316, if the individual does not want to register for the Selective Service at the time of application, MVD interprets the language in the bill to imply that MVD can not issue a driver’s license or identification card to the person.
4. SB 316 also requires MVD to forward the personal information to the Selective Service in an electronic format. MVD has confirmed that they are able to do this without any cost to the agency.

ADMINISTRATIVE IMPLICATIONS

If SB 316 were enacted, it would create monitoring and reporting consequences for MVD that currently do not exist. MVD would be placed in the position of enforcing federal laws regarding Selective Service registration. MVD clerks could face possible hostility if applicants are not issued a driver's license because they have not registered. Such reporting and monitoring requirements are currently the responsibility of the federal government.

DUPLICATION

HB 89 duplicates SB 316.

QUESTIONS

1. Since the federal government is responsible for ensuring that eligible males register for the Selective Service, why is SB 316 requesting MVD assistance in this matter? Or, is the federal government now mandating such assistance in preparation of possible future war?

CMH/njw