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FISCAL IMPACT REPORT

SPONSOR Rehm ORIGINAL DATE 1/23/19
 LAST UPDATED 3/12/19 HB 98/aHJC/aSJC

SHORT TITLE Fingerprints to Renew a Business Not Required SB _____

ANALYST Chabot/Blair/Daly

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		No Fiscal Implications	No Fiscal Implications			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

State Racing Commission (SRC)

SUMMARY

Synopsis of SJC Amendments

The Senate Judiciary Committee amendments to House Bill 98, as amended:

- Exempt the financial institutions division of RLD from the prohibition against additional fingerprints when it is utilizing the nationwide multistate licensing system and registry;
- Remove existing language in a section of the School Personnel Act that grants good faith immunity to those making reports required by that section of that Act, and also remove language granting the right to sue for negligent or intentional reporting of inaccurate information based upon such a report;
- Add a new section to the Uniform Licensing Act that provides that applicants who have submitted fingerprints as part of the initial license application do not have to submit fingerprints again to renew a license, but shall submit to a background investigation if required; and
- Extend the only-upon-initial-licensure or registration fingerprint requirement to psychologists, private investigators, real estate broker and real estate appraisers, and add language clarifying the state criminal history background check to be performed by Department of Public Safety for these last two types of licensees.

The amendments also change the effective date of the bill to July 1, 2020.

Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 98 changes the effective date of the bill from July 1, 2019 to January 1, 2020.

Synopsis of Original Bill

House Bill 98 prohibits requiring fingerprints to renew a business, professional or occupational license if submittal of fingerprints were required in the initial license application.

FISCAL IMPLICATIONS

The bill has no fiscal impact to the state but individual renewing licenses would no longer have to pay the fees for a fingerprint check. No cost estimate was provided by RLD.

SIGNIFICANT ISSUES

RLD states that once fingerprints are submitted, RLD has a small window of time (30-days) to access and review the state and federal background reports. These reports cannot be accessed again without resubmitting fingerprints. This enables the licensing board to determine the licensee and registrants are free from criminal arrests and convictions. “The public’s trust and safety is a top priority and responsibility for the department.”

RLD suggests if legislation could be enacted allowing DPS to access the FBI searchable database, background checks could be accomplished without additional fingerprints. However, DPS currently does not have that authority.

SRC states HB98 could affect the New Mexico horse racing industry but not the New Mexico Racing Commission directly. NMRC requires a new background check every six years and fingerprinting is the tool utilized by the NMRC to start the background check. “The horse racing industry is one which depends on the perception of integrity to assure the betting public that races are being run and regulated in a fair, equitable manner.” Fingerprinting is key step in that process. “Although a person’s fingerprints do not change, their criminal background may.”

GAC/MD/gb/al/sb/al