

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Relating to Gaming:

Adding Contractor requirements for “unescorted access to a facility” and requiring a disclosure statement and background investigation which constitutes “consent to national criminal background check and any other background investigations required pursuant to the Gaming Control Act or deemed necessary by the board.”

Removing the requirement of two sets of fingerprint cards and adding that “a full set of fingerprints made by a law enforcement or the department of public safety’s designee . . .”.

Adding that Certifications of findings of suitability and work permits no longer require annual renewals but are subject to renewal every three years “unless revoked, suspended, canceled or terminated.”

Adding to the Bingo and Raffle Act that license applicants “for a license or permit issued pursuant to the New Mexico Bingo and Raffle Act shall apply on forms provided by the board and shall furnish to the board a full set of fingerprints made by a law enforcement agency or the department of public safety’s designee and all other information requested by the board. Submission of such an application constitutes consent to a national criminal background check of the applicant, a credit check of the applicant and all persons having a substantial interest in the applicant and any other background investigations required pursuant to the New Mexico Bingo and Raffle Act or deemed necessary by the board.” Further adding the method and procedures for conducting the background investigation and establishing confidentiality as required by the “federal bureau of investigation or a law enforcement agency.”

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

The Department of Justice (DOJ) controls and supports the Criminal Justice Information System (CJIS), which is one of, if not, THE primary source for conducting background investigations. DOJ conducted a 2023 audit of NMGCB’s agency use of the system. The audit review requires the Gaming Control Act and Bingo and Raffle Act contain statutory language for background checks of Contractors.

PERFORMANCE IMPLICATIONS

The Gaming Control Board has systems located in the agency which are unique to the gaming industry. These systems require additional security measures, including that Contractor employees are investigated, so that they can work unescorted. This makes it unnecessary for an FTE to sit, escort and observe people not normally allowed in certain areas. For example, janitorial services, electricians, roofers etc.

Adapting to the change in technology, going from fingerprint cards to electronic fingerprints

ADMINISTRATIVE IMPLICATIONS

Fingerprints will be taken, stored and transmitted electronically.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

Backgrounding contractor/contractor employees working in the NMGCB agency building is both a security measure and a safety measure. Making sure that staff and State of New Mexico assets and resources are protected and secure.

Changing renewal requirements for some licenses and permits will add to efficiency of agency processes and conserve resources.

The changes to Disclosure of Background Information for people applying for a license or permit pursuant to the Bingo and Raffle Act, are expanded for clarity and specificity of licensing requirements. This better mirrors the requirements which are already in place on the Gaming side which will support the agency's goal of transparency in process, procedure and implementation in its efforts to protect the integrity of gaming in New Mexico for all interested and affected parties.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS