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FISCAL IMPACT REPORT

ORIGINAL DATE 2/3/20

SPONSOR Rodriguez LAST UPDATED _____ HB _____

SHORT TITLE No Register of Blind Persons in NM SB 124

ANALYST Esquibel

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY20	FY21	FY22	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Minimal savings	Minimal savings	Minimal savings	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Commission for the Blind

New Mexico School for the Blind and Visually Impaired

SUMMARY

Synopsis of Bill

Senate Bill 124 (SB124) would amend the powers and duties of the Commission for the Blind to remove the requirement that the agency maintain a complete register of blind persons domiciled in New Mexico, specifying the nature and cause of blindness, capacity and need for education or industrial training, and other pertinent information.

FISCAL IMPLICATIONS

Senate Bill 124 would remove the Commission for the Blind's administrative requirement of maintaining a registry of blind persons resulting in some possible administrative cost savings.

SIGNIFICANT ISSUES

The Commission for the Blind according to the most recent statistics from the American Community Survey, there are 67,318 persons in New Mexico who have "vision loss" defined as "serious difficulty seeing even when wearing glasses or contact lenses, as well as those who are blind." Maintaining a large registry of blind and visually impaired persons would be administratively burdensome and would expose the state and Commission to potential liability for data breaches.

TECHNICAL ISSUES

The Commission for the Blind reports the requirement to maintain a register of blind persons domiciled in New Mexico conflicts with the requirements of the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act, which seek to streamline eligibility determinations. The registry requirement also does not comply with current privacy laws such as the Health Insurance Portability and Accountability Act (HIPAA), the Family Educational Rights and Privacy Act (FERPA), the Genetic Information Nondiscrimination Act (GINA), and the Rehabilitation Act confidential information Regulations at 34 CFR 361.38.

Under 34 CFR 361.52(b)(3), the Commission for the Blind is required to develop and implement “flexible” methods that “facilitate the provision of vocational rehabilitation services and that afford eligible individuals meaningful choices among the methods used to procure vocational rehabilitation services.” In addition, under 34 CFR 361.42(a)(3)(i)(A), any applicant determined eligible for Social Security disability is “Presumed eligible for vocational rehabilitation services.” In addition, the Commission for the Blind is required to base eligibility only on “qualified personnel” under 34 CFR 361.42(a)(1). The existing requirement to maintain a registry of blind persons is inconsistent with these federal requirements.

OTHER SUBSTANTIVE ISSUES

The New Mexico School for the Blind and Visually Impaired indicates it supports the deletion of the registry language as proposed in SB124.

RAE/rl