

# BDR 58-1009

## SB 485

### EXECUTIVE AGENCY FISCAL NOTE

#### AGENCY'S ESTIMATES

Date Prepared: April 8, 2017

Agency Submitting: Department of Public Safety, General Services

Items of Revenue or Expense, or Both	Fiscal Year 2016-17	Fiscal Year 2017-18	Fiscal Year 2018-19	Effect on Future Biennia
Total	0	0	0	0

#### Explanation

(Use Additional Sheets of Attachments, if required)

BDR 58-1009 (SB485) revises various provisions relating to transportation network companies. Section 4 of this bill relating to fingerprint submissions to the Central Repository for Nevada Records of Criminal History for submission to the FBI would not pass Public Law 92-544 criteria for access to national criminal history due to this bill also providing authority to a Transportation Network Company or third party to submit fingerprints to the FBI. The Department of Public Safety (DPS), General Services Division (GSD) would interpret a Transportation Network Company or third party as a private entity according to NRS 706A.050 "Transportation Network Company" and "company" defined. One of the criteria of Public Law 92-544 is that, "It may not authorize receipt of the Criminal History Record Information (CHRI) by a private entity" thus the Central Repository would not be able to provide responses to the Transportation Network Company. Also, a statute must designate a governmental agency responsible for the FBI background checks. Additionally, FBI policy requires that fingerprints be initially submitted to the state identification bureau (for a check of state records) and thereafter forwarded to the FBI for a "national" criminal history check. Lastly, for FBI fingerprint-based background checks to be authorized under Public Law 92-544, all of the criteria must be set out in statute. Executive orders, rules and regulations adopted by a regulatory body within the state of Nevada would not meet this requirement unless the rules or regulations are voted on by the full legislature.

Name Tammy Trio

Title ASOII

#### GOVERNOR'S OFFICE OF FINANCE COMMENTS

Date Wednesday, April 05, 2017

The agency's response appears reasonable and is line with previous legislative sessions impacts responses relating to statute changes impacting the Criminal History Repository.

Name Paul Nicks

Title Budget Officer