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FISCAL IMPACT REPORT

SPONSOR Tallman LAST UPDATED _____
ORIGINAL DATE 01/23/23
BILL _____
SHORT TITLE Appointed Executive Office Finalists Lists NUMBER Senate Bill 63
ANALYST Hitzman

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

| | FY23 | FY24 | FY25 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------------------|------------------|------------------|----------------------|------------------------------|------------------|
| | No fiscal impact | No fiscal impact | No fiscal impact | | | |
| Total | | | | | | |

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent version of this legislation.

Sources of Information

LFC Files

Responses Received From
State Commission of Public Records (SCPR)

No Response Received
Secretary of State (SOS)

SUMMARY

Synopsis of Senate Bill 63

Senate Bill 63 adds a new section to the Inspection of Public Records Act to require posting of the names and resumes of no fewer than three finalists for an appointive executive position on an agency's website no fewer than 10 days prior to appointment. Records revealing identities of applicants, except for finalists, are exempt from the Inspection of Public Records Act, as well as medical or psychological data concerning finalists. The bill specifies if fewer than three applicants or candidates are received, those applicants or candidates shall be considered finalists. The bill would not apply to nominees for position of president of a public institution of higher education, a cabinet secretary, or other political appointment.

The effective date of the provisions of this act are July 1, 2023.

FISCAL IMPLICATIONS

The bill does not contain an appropriation. The bill would likely have little to no fiscal impact

other than the small costs of maintaining and posting information on an agency website. The State Records Center and Archives notes this bill would have no direct fiscal impact on the agency.

SIGNIFICANT ISSUES

The bill would require posting of finalist information on a public website, posing potential privacy concerns. Although the bill does not apply to all applicants, only finalists, there may still be concerns regarding privacy of the finalists; a finalist may not wish to have their application be seen by a current employer, for example. In addition, the resumes are required to be posted, so additional information about the person's address, place of employment, and other personal or sensitive information included on the resume would also be publicly available and could pose privacy concerns for applicants. This may result in fewer applications being received for such positions out of concern for individual privacy.

ADMINISTRATIVE IMPLICATIONS

The additional requirement to post finalist information on websites may result in slight increased administrative costs for those agency's posting finalists, but this burden is likely minimal and could likely be absorbed into individual agency operating budgets.

JH/al/ne