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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/12/19  
 SPONSOR Tallman LAST UPDATED 3/5/19 HB \_\_\_\_\_  
 SHORT TITLE Disclose Finalists for Appointive Positions SB 259/aSPAC/aSJC  
 ANALYST Jorgensen

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Attorney General (NMAG)

Higher Education Department (HED)

### SUMMARY

#### Synopsis of SJC Amendment

The Senate Judiciary Committee amendment to Senate Bill 259 inserts language clarifying that nothing in the bill shall supersede provisions of Section 21-1-16.1 NMSA 1978, relating to the presidential searches at state higher education institutions.

#### Synopsis of SPAC Amendment

The Senate Public Affairs Committee Amendment to Senate Bill 259 removes reference to applicants for “public employment” in relation to the exemption from Inspection of Public Records Act protections to further clarify that the exemption only applies to appointive executive positions. The amendment also adds language stating that an “appointive executive position” means a non-elected chief executive officer.

#### Synopsis of Original Bill

Senate Bill 259 (SB259) relates to public records and requires publication of the names and resumes of at least three finalists for appointed executive positions other than political appointments, including cabinet secretaries. The names and resumes are to be posted for at least 10 days before a selection is made. SB259 exempts applicants from public record inspection

prior to being selected as a finalist. The bill exempts medical and psychological records of published finalists from public record inspection.

### **FISCAL IMPLICATIONS**

The changes proposed have no fiscal implication.

### **SIGNIFICANT ISSUES**

The Higher Education Department notes:

21-1-16.1 NMSA, *state institutions of higher education; presidential searches*, exempts public records containing the identity or identifying information of presidential finalists under IPRA. However, it requires the governing board to publish a list of five finalists at least 21 days before final selection is made.

Higher education presidential searches would remain exempt from IPRA under the provisions of SB259 but other executive searches may be subject to the legislation, e.g., dean, chief financial officer, and chief academic officer/provost searches.

The Public Education Department did not provide analysis for this bill.

CJ/sb/gb