

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** SB 333 Equity in Appointments

**SHORT TITLE:** Equity in Appointments

**SPONSOR(S):** Sen. Beverly Perdue

**FISCAL IMPACT**

**Yes ( )                      No (X)                      No Estimate Available ( )**

**FY 1999-00    FY 2000-01    FY 2001-02    FY 2002-03    FY 2003-04**

**REVENUES**

**EXPENDITURES**

**POSITIONS:**

**PRINCIPAL DEPARTMENT(S) &  
PROGRAM(S) AFFECTED:** Secretary of State

**EFFECTIVE DATE:** June 1, 1999

**BILL SUMMARY:** This bill states that in making appointments to any statutorily created decision-making or regulatory board, commission, council, or committee, the appointing authority "should" select from among the most qualified candidates those persons whose appointment would promote memberships that accurately reflect the proportion that each gender represents in the population of the State or the population represented by the appointing authority. It directs multiple appointing authorities to consult with each other to accomplish the purposes of the statute.

The bill directs each appointing authority to make annual report to the Secretary of State demonstrating the number of appointments made from each gender in numerical terms and as a percentage of the authority's total membership. It also directs each appointing authority to designate a person who will be responsible for retaining applications for appointment and who will ensure that information showing applicants' gender and qualifications is available for public inspection during reasonable hours.

**ASSUMPTIONS AND METHODOLOGY:**

This bill requires statutorily created decision-making boards, commissions, councils and committees (appointing authorities) to submit an annual report to the Secretary of State (Department) by December 1<sup>st</sup>. The report shall disclose the number of appointments made during the preceding year from each gender as a numerical number and a percentage of the authority's total membership. A copy of the report shall be submitted to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate. Based on a search of the boards and commissions database by Legislative Library staff, there are approximately 400 statutorily created boards and commissions whose appointments are made by the Governor and the General Assembly. This does not include any statutorily created boards and commissions whose membership is appointed at the local level. No estimate is available on the number of statutorily created **local** boards, commissions, councils, and committees affected by this bill.

The Department and Fiscal Research staff assume the intent of the bill is for the Department to submit copies of the reports it receives from the appointing authorities to the Governor, the Speaker and the President Pro Tempore. The Department's initial plan for meeting the requirements of the bill involve sending notification to each appointing authority of their obligation to file the report, sending reminder notices to those that do not respond in a timely manner, making copies of the report for distribution to the Governor, Speaker, and President Pro Tempore and forwarding the copies to those offices. They anticipate they would incur cost for printing, postage, and labor for sending the notifications and for receiving, copy, compiling and distributing the reports. However, because of the uncertainty about the total number of appointing authorities that would be required to submit annual reports, the Department cannot provide a dollar estimate of those costs. Fiscal Research staff believes the Secretary of State's plan for meeting the requirements of the bill is reasonable. However, we believe the cost for postage and labor would be minimal and could be absorbed within the Department's available resources. To eliminate copying costs to the Secretary of State for copying the reports, we would also recommend that they request that each appointing authority submit enough copies of its report for distribution to the Governor, Speaker and President Pro Tempore . in their notification letters

The Department believes the information contained in the reports could be more useful if they were to go beyond the minimum requirements of the bill. Specifically, they would recommend creating an automated database which would allow them to analyze the raw data, compile the raw data into a comprehensive report and provide it to the public if required or requested. The Department, however, could not provide an estimate of the cost for this approach within the time available. Further, though Fiscal Research staff believes this approach is reasonable, we also believe that it goes beyond the requirements of the bill.

#### **TECHNICAL CONSIDERATIONS:**

Strictly construed, the bill requires copies of the reports that the appointing authorities submit to the Secretary of State to be sent to the Governor, the Speaker and the President Pro Tempore. It is not clear whether the Secretary of State is responsible for sending the copies to those three offices. Neither is it clear whether the appointing authorities or the Secretary of State is responsible for producing the copies for those three offices. This note assumes the appointing authorities are responsible for providing the copies and the Secretary of State is responsible for forwarding those copies to the specified offices.

**FISCAL RESEARCH DIVISION 733-4910**  
**PREPARED BY:** Marilyn Chism

**APPROVED BY:** Tom Covington

**DATE:** Tuesday, July 13, 1999



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