

H. B. 2819

(By Delegates Fleischauer, Brown, Marshall,
Hatfield, Mahan and Longstreth)

[Introduced January 24, 2011; referred to the
Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1-22a, relating to requiring all state boards, commissions, committees or councils to be gender balanced and to have proportionate representation of minorities in the state.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §5-1-22a, to read as follows:

ARTICLE 1. THE GOVERNOR.

§5-1-22a. Vacancies in boards and commissions filled by appointment of Governor; Senate action; gender and proportionate minority representation required in filling vacancies in appointive offices.

Notwithstanding any other provision of law to the contrary, and in accordance with the provisions of section twenty-two of this

1 article, when a vacancy occurs in any board, commission, committee
2 or council established by law under any provision of this code,
3 which vacancy the Governor is authorized to fill by and with the
4 advice and consent of the Senate, the Governor shall, by
5 appointment, fill the vacancy by gender balance and proportionate
6 minority representation. A person may not be appointed or
7 reappointed to a board, commission, committee or council
8 established by law under any provision of this code if that
9 appointment or reappointment would cause the number of members of
10 the board, commission, committee or council of one gender or
11 minority members to be greater than one half of the membership of
12 the board, commission, committee or council plus one, if the board,
13 commission, committee or council is composed of an odd number of
14 members. If the board, commission, committee or council is
15 composed of an even number of members, not more than one half of
16 the membership may be of one gender or minority. If there are
17 multiple appointing authorities for a board, commission, committee
18 or council established by law under any provision of this code,
19 they shall consult each other to avoid a violation of this section.

20 The Governor shall establish a site on the Governor's web site
21 with information available to the public relating to the
22 eligibility to all boards and commissions. This must include, but
23 is not limited to, a list of the current members of the boards and
24 commissions, when their terms expire, what criteria the members

1 fulfill and what criteria new applicants need to be eligible for
2 appointment to a board or commission. The Governor shall also
3 provide applications that may be accessed in electronic form for
4 appointment to all boards and commissions.

5 This amendment becomes fully effective on July 1, 2018. Prior
6 to that date, the Governor shall make every attempt to make
7 appointments for vacancies gender balanced and with proportionate
8 minority representation. The Governor shall make yearly reports to
9 the Legislature on progress made toward achieving the goals of this
10 section, beginning December 1, 2011.

NOTE: The purpose of this bill is to require all state boards, commissions, committees or councils to be gender balanced and to have proportionate representation of minorities.

This section is new; therefore, it has been completely underscored.