1	COMMITTEE SUBSTITUTE
2	FOR
3	н. в. 4305
4	
5	(By Delegates Fragale, Iaquinta, Diserio and Jones)
6	
7	(Originating in the Committee on Government Organization.)
8	[February 20, 2014]
9	
10	A BILL to amend and reenact $\$8-33-3$ of the Code of West Virginia,
11	1931, as amended, relating to exempting municipalities with
12	populations of more than two thousand one hundred eighty and less
13	than two thousand two hundred eighty from the requirement that no
14	more than two thirds of the total number of members of a building
15	commission board be from the same political party.
16	Be it enacted by the Legislature of West Virginia:
17	That $\S 8-33-3$ of the Code of West Virginia, 1931, as amended, be
18	amended and reenacted to read as follows:
19	ARTICLE 33. INTERGOVERNMENTAL RELATIONS BUILDING COMMISSIONS
20	§8-33-3. Authority vested in board; composition of board;
21	appointment; qualifications and terms of members; vacancies;
22	reimbursement of expenses.
23	(a) All property, powers and duties and the management and
24	control of each commission shall be vested in a board consisting
2.5	of representatives appointed by the governmental body or bodies

- 1 creating and establishing such commission. In the case of a
- 2 municipal building commission or a county building commission,
- 3 such board shall consist of not less than three nor more than
- 4 five members and in the case of a municipal-county building
- 5 commission each participating municipality shall appoint two
- 6 members and each participating county shall appoint three
- 7 members.
- 8 (b) All members of any board shall be appointed for terms of five
- 9 years.
- 10 (c) Prior to making the initial appointments to the board, The
- 11 governmental body or bodies shall make such the initial
- 12 appointments so that approximately one fifth of the total number
- of members of the board shall be appointed for a term of one
- 14 year, approximately one fifth of the total number of members of
- the board shall be appointed for a term of two years,
- 16 approximately one fifth of the total number of members of the
- 17 board shall be appointed for a term of three years, approximately
- 18 one fifth of the total number of members of the board shall be
- 19 appointed for a term of four years, and approximately one fifth
- 20 of the total number of members of the board shall be appointed
- 21 for a term of five years. As the term of each such initial
- 22 appointee expires, the successor to fill the vacancy created by
- 23 such the expired term shall be appointed for a term of five
- 24 years.
- 25 (d) The ordinance or order creating a building commission may
- 26 provide for the manner of appointments to the membership of such

- 1 commission by the governmental body creating such the commission.
- 2 which, in the case of a county, shall be the county commission or
- 3 other tribunal in lieu thereof and, in the case of a
- 4 municipality, shall be the governing body thereof.
- 5 <u>(e)</u> If any member of any board die, resign a member dies, resigns
- 6 or for any reason cease ceases to be a member, of the board, the
- 7 governmental body which such the member represented shall appoint
- 8 another individual to fill the unexpired portion of the term. of
- 9 such member.
- 10 (f) No more than two thirds of the total number of members of the
- 11 board of each commission shall be from the same political party
- 12 and no member of any such board shall hold any office (other than
- the office of notary public) or employment under the United
- 14 States of America, the State of West Virginia, any county or
- 15 political subdivision thereof, or any political party: Provided,
- 16 That municipalities with populations of more than two thousand
- 17 one hundred eighty and less than two thousand two hundred eighty,
- according to the 2010 U.S. census, are exempt from the
- 19 requirement that no more than two thirds of the total number of
- 20 members of the board of each commission be from the same
- 21 political party.
- 22 (g) All members of any board shall be residents of the
- 23 municipality or county for which they are appointed.
- 24 (h) No member of any board shall may receive any compensation for
- 25 his or her services, as such, but each member shall be reimbursed
- 26 by the commission for any reasonable and necessary expenses

- 1 actually incurred in the discharge of his $\underline{\text{or her}}$ duties as a
- 2 member of the board.