

H. B. 2408

(By Delegates Fleischauer, Marshall and Longstreth)  
[Introduced February 13, 2013; 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.**

1        (a) Notwithstanding any other provision of law to the  
2 contrary, and in accordance with the provisions of section  
3 twenty-two of this article, when a vacancy occurs in any board,  
4 commission, committee or council established by law under any  
5 provision of this code, which the Governor is authorized to fill by  
6 and with the advice and consent of the Senate, the Governor shall,  
7 by appointment, fill the vacancy by gender balance and  
8 proportionate minority representation.

9        (1) For boards, commissions, committees or councils  
10 established by law under any provision of this code that are  
11 composed of an odd number of members, a person may not be appointed  
12 or reappointed if that appointment or reappointment would cause the  
13 number of members of one gender to be greater than one half of the  
14 membership, plus one.

15        (2) For boards, commissions, committees or councils  
16 established by law under any provision of this code that are  
17 composed of an even number of members, not more than one half of  
18 the membership may be of one gender.

19        (3) A person may not be appointed or reappointed to a board,  
20 commission, committee or council established by law under any  
21 provision of this code, if that appointment or reappointment would  
22 cause minority membership to be disproportionate or create a  
23 greater imbalance of proportionate minority representation.

24        (b) If there are multiple appointing authorities for a board,

1 commission, committee or council established by law under a  
2 provision of this code, they shall consult each other to avoid a  
3 violation of this section.

4 (c) The Governor shall establish a site on the Governor's  
5 website with information available to the public relating to the  
6 eligibility to all boards and commissions. The site shall include,  
7 but not be limited to, a list of the current members of the boards  
8 and commissions, when their terms expire, what criteria the members  
9 fulfill and what criteria new applicants need in order to be  
10 eligible for appointment to a board or commission. The site shall  
11 also provide applications, accessible in electronic form, for  
12 appointment to all boards and commissions.

13 (d) This amendment becomes fully effective on July 1, 2020.  
14 Prior to that date, the Governor shall make every attempt to make  
15 appointments for vacancies gender balanced and with proportionate  
16 minority representation. The Governor shall make yearly reports to  
17 the Legislature on progress made toward achieving the goals of this  
18 section, beginning December 1, 2013.

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.