

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 2259**

**2015 Carryover**

(BY DELEGATES HAMRICK, HOWELL, ARVON, IHLE,  
FAIRCLOTH, ZATEZALO, CADLE, BORDER, R. SMITH AND  
MOFFATT)

[Introduced January 13, 2016; referred to the  
Committee on Government Organization.]

A BILL to amend and reenact §5-1-22 of the Code of West Virginia, 1931, as amended, relating to the Governor filling vacancies on professional boards; requiring appointments to be made within sixty days of the date the vacancy occurs; and providing that a person appointed to serve on a professional board is limited to eight years service.

*Be it enacted by the Legislature of West Virginia:*

1 That §5-1-22 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
2 to read as follows:

**ARTICLE 1. THE GOVERNOR.**

**§5-1-22. Vacancies in offices filled by appointment of Governor; Senate action; bond requirements; filling vacancies in other appointive offices.**

1 In case of a vacancy, during the recess of the Senate, in any office, which vacancy the  
2 Governor is authorized to fill by and with the advice and consent of the Senate, the Governor  
3 shall, by appointment, fill such vacancy, within sixty days of the date the vacancy occurs on a  
4 professional board that is subject to chapter thirty of this code, until the next meeting of the  
5 Senate, when the Governor shall submit to the Senate a nomination to fill such vacancy and, upon  
6 confirmation of ~~such~~ the nomination by the Senate, by a vote of a majority of all the members  
7 elected to the Senate, taken by yeas and nays, the person so nominated and confirmed shall hold  
8 ~~said~~ the office during the remainder of the term for which his or her predecessor in office was  
9 appointed, and until his or her successor ~~shall be~~ is appointed and qualified. ~~No~~ A person whose  
10 nomination for office has been rejected by the Senate ~~shall be again~~ may not be nominated again  
11 for the same office during the session in which his or her nomination was so rejected, unless at  
12 the request of the Senate, nor ~~shall~~ may he the person be appointed to the same office during the  
13 recess of the Senate. ~~No~~ An appointee who resigns from any ~~such~~ office prior to confirmation,  
14 or whose name has not been submitted for confirmation while the Senate is in session, ~~shall be~~

15 is not eligible, during the recess of the Senate, to hold any office the nomination for which must  
16 be confirmed by the Senate.

17         The bond, if any, required by law to be given by any officer so temporarily appointed by  
18 the Governor, shall be in such penalty as is required by law of the incumbent of such office.

19         Any vacancy in any other office filled by appointment, or in any office hereafter created to  
20 be filled by appointment, shall be filled by the same person, court or body authorized to make  
21 appointment to such office for the full term thereof: Provided, That notwithstanding any other  
22 provision of law to the contrary, a member of a professional board subject to chapter thirty of this  
23 code may not serve more that eight years.

NOTE: The purpose of this bill is to require the Governor to make appointments within sixty days of the date a vacancy occurs on a professional board. The bill also provides that a person appointed to serve on a professional board is limited to eight years service.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.