

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 204

BY SENATORS BOSO, BLAIR AND FACEMIRE

[Introduced February 9, 2017; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §5-1-22 of the Code of West Virginia, 1931, as amended, relating
 2 to filling vacancies in offices by appointment of the Governor; and requiring that persons
 3 appointed to fill a vacancy have the same qualifications for the vacated office and receive
 4 same compensation and expenses for the office otherwise provided by law.

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 within thirty days, fill such vacancy until the next meeting of the Senate,
 4 when the Governor shall submit to the Senate a nomination to fill such vacancy and, upon
 5 confirmation of such nomination by the Senate, by a vote of a majority of all the members elected
 6 to the Senate, taken by yeas and nays, the person so nominated and confirmed shall hold said
 7 office during the remainder of the term for which his or her predecessor in office was appointed,
 8 and until his or her successor shall be appointed and qualified. Any person appointed to fill a
 9 vacancy shall possess the qualifications of the office and shall only receive compensation and
 10 expenses for the office, as provided in this code. No person whose nomination for office has
 11 been rejected by the Senate shall again be nominated for the same office during the session in
 12 which his or her nomination was so rejected, unless at the request of the Senate, nor shall ~~he~~ the
 13 person be appointed to the same office during the recess of the Senate. No appointee who resigns
 14 from any such office prior to confirmation, or whose name has not been submitted for confirmation
 15 while the Senate is in session, shall be eligible, during the recess of the Senate, to hold any office
 16 the nomination for which must 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.

NOTE: The purpose of this bill is to require that persons appointed to fill a vacancy by the Governor have the same qualifications for the vacated office and receive same compensation and expenses for the office otherwise provided by law.

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