

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 596*

Short Title: Equity in Appointments.

(Public)

Sponsors: Representatives Alexander; Adams, Berry, Bowie, Boyd-McIntyre, Clary, Dedmon, Earle, Easterling, Edwards, Esposito, Gardner, Goodwin, Hardaway, Hensley, Hill, Horn, Insko, Jarrell, Jeffus, Luebke, McAllister, McLawhorn, Melton, Michaux, Miller, Morris, Mosley, Nesbitt, Preston, Russell, Saunders, Sherrill, Smith, Walend, Warren, and Wright.

Referred to: Rules, Calendar and Operations of the House.

March 25, 1999

A BILL TO BE ENTITLED

AN ACT RELATING TO THE MEMBERSHIP OF STATUTORILY CREATED DECISION-MAKING OR REGULATORY BOARDS, COMMISSIONS, COUNCILS, AND COMMITTEES; PROVIDING INTENT; PROVIDING POLICY WITH RESPECT TO THE APPOINTMENT OF MEMBERS TO SUCH BODIES TO ENSURE PROPORTIONATE REPRESENTATION OF WOMEN; REQUIRING ANNUAL REPORTS; AND REQUIRING RETENTION OF CERTAIN INFORMATION REGARDING APPLICANTS.

The General Assembly of North Carolina enacts:

Section 1.(a) It is the intent of the General Assembly to recognize the importance of balance in the appointment of both genders to membership on statutorily created decision-making and regulatory boards, commissions, councils, and committees, and to promote that balance through the provisions of this section. Furthermore, the General Assembly recognizes that statutorily created decision-making and regulatory boards, commissions, councils, and committees play a vital role in shaping public policy for North Carolina, and the selection of well-qualified candidates is the paramount obligation of the appointing authority.

Section 1.(b) In appointing members to any statutorily created decision-making or regulatory board, commission, council, or committee of the State, the appointing authority should select, from among the most qualified persons, those persons whose appointment would ensure that the membership of the board, commission, council, or committee accurately reflects the proportion that each gender represents in the population of the State as a whole or, in the case of a local board, commission, council, or committee, in the population of the area represented by the board, commission, council, or committee, as determined pursuant to the most recent federal decennial census, unless the law regulating such appointment requires otherwise. If there are multiple appointing authorities for the board, commission, council, or committee, they shall consult with each other to ensure compliance with this section.

Section 1.(c) Each appointing authority described in subsection (b) shall submit a report to the Secretary of State annually by December 1 which discloses the number of appointments made during the preceding year from each gender and the number of appointments of each gender made, expressed both in numerical terms and as a percentage of the total membership of the board, commission, council, or committee. A copy of the report shall be submitted to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate. In addition, each appointing authority shall designate a person responsible for retaining all applications for appointment, who shall ensure that information describing each applicant's gender and qualifications is available for public inspection during reasonable hours. Nothing in this section requires disclosure of an applicant's identity or of any other information made confidential by law.

Section 1.(d) This act applies to appointments and reappointments made after the effective date of this act. It does not prohibit a member of a decision-making or regulatory board, commission, council, or committee from completing a term being served as such member when this act takes effect. A person appointed to a decision-making or regulatory board, commission, council, or committee before the effective date of this act may not be removed from office solely for the purpose of meeting the requirements of this section.

Section 2. This act becomes effective January 1, 1999.