

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 333*

Short Title: Equity in Appointments.

(Public)

Sponsors: Senators Perdue; Albertson, Ballance, Carter, Clodfelter, Cochrane, Cooper, Dannelly, Foxx, Garrou, Hagan, Harris, Hoyle, Kerr, Kinnaird, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Odom, Phillips, Plyler, Rand, Reeves, Robinson, Soles, and Warren.

Referred to: State and Local Government.

March 11, 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.

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

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

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

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