

HOUSE No. 4153

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, October 28, 2019.

The committee on State Administration and Regulatory Oversight to whom were referred the petition (accompanied by bill, Senate, No. 1878) of Jason M. Lewis, Harriette L. Chandler, Rebecca L. Rausch and Tram T. Nguyen for legislation to ensure gender parity on public boards and commissions and the petition (accompanied by bill, House, No. 2711) of Patricia A. Haddad and others relative to gender parity on public boards and commissions, reports recommending that the accompanying bill (House, No. 4153) ought to pass.

For the committee,

DANIELLE W. GREGOIRE.

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In the One Hundred and Ninety-First General Court
(2019-2020)

An Act to ensure gender parity and racial and ethnic diversity on public boards and commissions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. All appointive boards and commissions of the state established by the Code,
2 if not otherwise provided by law, shall be gender, racially and ethnically balanced. No person
3 shall be appointed or reappointed to any board or commission established by the Code if that
4 appointment or reappointment would cause the number of members of the board or commission
5 of one gender to be greater than one-half the membership of the board or commission plus one if
6 the board or commission is composed of an odd number of members. If the board or commission
7 is composed of an even number of members not more than one-half of the membership shall be
8 of one gender. The racial and ethnic composition of each board and commission must, at
9 minimum, reflect the percentage of racial and ethnic minorities in the general population. There
10 should be a good faith effort to appoint women of color to all boards and commissions. If there
11 are multiple appointing authorities for a board or commission they shall consult each other to
12 avoid a violation of this section.

13 SECTION 2. All appointive boards, commissions, committees, and councils of a
14 political subdivision of the state that are established by the Code, if not otherwise provided by

15 law, shall be gender balanced as provided by subsection 1 unless the political subdivision has
16 made a good faith effort to appoint a qualified person to fill a vacancy on a board, commission,
17 committee, or council in compliance with subsection 1 for a period of three months but has been
18 unable to make a compliant appointment. In complying with the requirements of this subsection,
19 political subdivisions shall utilize a fair and unbiased method of selecting the best qualified
20 applicants. This subsection shall not prohibit an individual whose term expires prior to January 1,
21 2022, from being reappointed even though the reappointment continues an inequity in gender
22 balance.

23 SECTION 3. To track and measure progress, an annual report must be published by the
24 governor's office, annually, with support from The Commission on the Status of Women that
25 provides: (1) Demographic data provided by all public board and commission applicants relative
26 to ethnicity, race, gender identity and sexual orientation; (2) Demographic data provided by all
27 public board and commission nominees or appointees relative to ethnicity, race, gender identity
28 and sexual orientation; (3) Any demographic data disclosed or released pursuant to this sectional
29 shall disclose only aggregated statistical data and shall not identify an individual applicant,
30 nominee or appointed board member or commissioner.

31 SECTION 4. The proposed legislation shall exclude all public boards, commissions,
32 committees, and councils who serve as municipal housing authorities under the "Housing and
33 Economic Development" policy area.

34 SECTION 5. The legislation proposed shall not apply to those public boards,
35 commissions, committees, or councils whose core mission is to enhance opportunities for a

- 36 specified gender, race, or ethnicity, and whose membership can be comprised of more than 50%
- 37 of that gender, race, or ethnicity.