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Committee OKs locally-sponsored bills

One would open emails to public



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CHARLESTON — Two bills sponsored by local delegates cleared their first hurdles in the legislative process Thursday, getting OKs from the House Judiciary Committee.

Delegate Barbara Evans Fleischauer, D-Monongalia, is lead sponsor of HB 2402, which will open certain government emails to public inspection. Local Delegates Mike Caputo, D-Marion, and Charlene Marshall, D-Monongalia, are among the co-sponsors.

Marshall and Caputo are also among the co-sponsors of HB 4015, to create the Herbert Henderson Office of Minority Affairs.

Both are carryovers from 2011: HB 2402 had the same number last year; HB 2402 redefines the term “public record” as it is used in the Freedom of Information Act.

The act now says, “ ‘Public record’ includes any writing containing information relating to the conduct of the public’s business prepared, owned and retained by a public body”

The bill would change code to say, “ ‘Public record’ includes any writing containing information prepared or received by a public body, the content or context of which, judged either by its content or context relates to the conduct of the public’s business.”

Fleischauer explained last year that an editorial in *The Dominion Post* largely inspired her to draft the bill. The editorial was based on a 2009 state Supreme Court ruling that said emails between former Justice Spike Maynard and former Massey CEO Don Blankenship were not public records although they were generated on public equipment, because of their context.

The bill now goes to the full House.

Minority Affairs office

The Minority Affairs office bill places the office within the governor’s office. It is intended to oversee and coordinate minority affairs issues handled by various agencies, provide a discussion forum for minority issues and award grants and loans for minority affairs programs, among other things.

The bill creates a Minority Affairs Fund to receive grants, state appropriations and other money to perform its functions.

It passed the House last year, then passed the Senate with its funding mechanism stripped out, and died for lack of agreement.

Lead sponsor Delegate Clif Moore, D-McDowell, said some tweaks were made, and some funding is available — it carries a \$350,000 fiscal note for startup and staffing costs.

Both chamber leaders are behind it, but delegates

had questions.

Delegate Kelli Sobonya, R-Cabell, was concerned that the Minority Affairs Fund is not guaranteed specific legislative appropriations.

Its expenditures are meant to obtain federal matching funds to run its programs. Committee counsel Brain Skinner admitted it’s possible it could go unfunded if its fundraising efforts don’t succeed.

Delegate Woody Ireland, R-Ritchie, was concerned that the term “minority” wasn’t clearly defined. Skinner said other sections of code define minority to mean non-Caucasians in West Virginia, where Caucasians make up 95 percent of the population.

Committee members amended a definition of minority into the bill.

After the meeting, members tweeted that a reference to religious minorities may have made the bill illegal. Moore said that item will be amended out when the bill goes to Finance.