URL: http://www.wvgazettemail.com/news/20160309/wv-senate-dems-to-protest-gop-nominee-rejections

WV Senate Dems to protest GOP nominee rejections

By Phil Kabler

Outraged that the Republican-led Senate Confirmations Committee blocked half a dozen gubernatorial appointments Wednesday in what the committee's chairwoman said was a “partisan thing,” West Virginia Senate Democrats plan to protest on the Senate floor today.

“Any chance of us having a cooperative last couple of days have just gone out the window,” Senate Minority Leader Jeff Kessler, D-Marshall said after the committee's meeting.

The nominees rejected by the committee mostly had ties to the state Democratic Party or organized labor. They included: state Democratic Party Chairwoman Belinda Biafore, who was rejected for the Women's Commission; state AFL-CIO President Kenny Perdue, for the Workforce Development Board; and Elaine Harris, Communications Workers of America international representative, for the Public Employees Insurance Agency's Finance Board.

“It's the first time in my 19 years that I've seen Confirmations used for what was clearly purely political purposes, to target members of labor or Democrats,” Kessler said.

Almost every nominee before the Confirmations Committee has been approved in recent years. In 2014, for example, the committee approved all but one of 173 appointments; the only one rejected was a Board of Dentistry nominee, over a potential conflict.

After Wednesday's meeting, Confirmations Committee Chairwoman Donna Boley, R-Pleasants, said she was given a list of names to reject. She said she could not recall if it was from Jake Nichols, Senate parliamentarian, or Richie Heath, lead counsel to Senate President Bill Cole.

“It was like a partisan thing, you vote, you know,” Boley said. “It was like prevailing wage or right-to-work, or whatever, raising fees. We just decided to do it.”

As for a possible protest on the Senate floor, Democrats reportedly considered having all bills read in their entirety. That tactic has been used in the past to dramatically slow business in the Senate.

Asked about reading bills in full, Kessler said, “I intend on making sure we comply fully with the Constitution.”

The West Virginia Constitution requires that bills be “fully and distinctly read” on the House and Senate floor, unless four-fifths of the members vote to dispense with the reading. In practice, only bill titles are read on the floor, unless a member demands that bills be read in full.

The first bill up for passage in the Senate today is the budget bill, which is sizable.

Sen. Jeff Mullins, R-Raleigh, made the motion Wednesday to reject the nominations.

Under questioning from Kessler, Mullins said he did not have specific reasons for removing the appointees, and said he did not have reason to believe they had failed to serve admirably on the boards.

“Not that I know of,” Mullins said repeatedly when asked if there were reasons to block the nominations.

The nominations were rejected on a committee voice vote. Besides Boley and Mullins, Republican senators on the Confirmations Committee include Bob Ashley, R-Roane; Greg Boso, R-Nicholas; and Tom Takubo, R-Kanawha.

Other nominations rejected were PEIA Finance Board members Troy Giatras, a Republican lawyer from Nitro; Mike Smith, the public employees' representative on the board; and James Frio, a major Democratic Party contributor from Wheeling, who was rejected for the Athletics Commission and the Auctioneers Board. The committee approved nearly 450 other nominees.

During Wednesday's meeting, Boso said he favored removing the PEIA Finance Board appointees, citing ongoing controversy over providing an additional $43.5 million in state funding for PEIA premiums, to avoid the $120 million in severe benefit cuts to insurees proposed by the Finance Board if the Legislature fails to come up with the additional funding.

“I don't think they functioned as they were supposed to do,” he said of the Finance Board members whose reappointments were blocked.

Cole, R-Mercer, issued a statement Wednesday evening also citing PEIA issues.

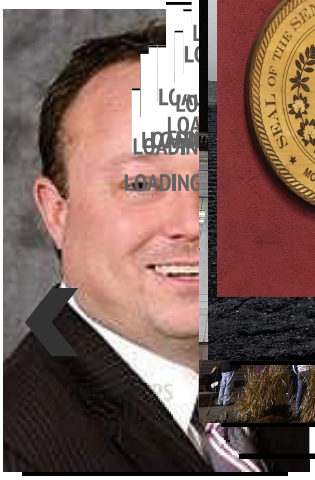
“The direction of the PEIA Finance Board clearly needs to change, which is why the Senate passed a bill to change its composition,” Cole said of legislation to remove two union members from the composition of the board (SB 622).

“Of the four names submitted for consideration by the governor for the PEIA Finance Board, the Confirmations Committee rejected one Democrat, one Republican and one independent,” Cole said. “Additionally, as a general matter of principle, many of our members believe it is inappropriate for the chairman of a state political party to be appointed to a nonpartisan board or commission.”

Confirmation of the remaining gubernatorial appointees will be a special order of business during the Senate floor session today.

Staff writer David Gutman contributed to this report. Reach Phil Kabler at philk@wvgazettemail.com, 304-348-1220 or follow @PhilKabler on Twitter.

Gazette-Mail legislative timeline



Gazette Mail file photo

Daniel Hall

Charley West

More overri...
State of the ...
Union battles
From mines...

Timeline JS