

LWW LEAGUE OF WOMEN VOTERS® OF THE HUNTINGTON AREA

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Yes, They Can Do That!	Page 1
Library Issues	Page 3
The Inconvenient Reality of the Mountain Pipeline ...	Page 4
Excess Levy Turmoil	Page 6
LWW Garden at the Cabell County Courthouse	Page 7

Yes, They Can Do That!

Nyoka Baker Chapman

As allowed by the WV Constitution section **6-19**, Gov. Justice issued a proclamation calling for a Special Session of the West Virginia Legislature at 4 p.m on 8/6/2023. These special sessions are worrisome to citizens who feel caught off guard for adequate time to comment or advocate to lawmakers during the legislative process. Yet, the legislature itself must have been prepared in advance because miraculously 35 out of 44 bills were passed within 3 days following the notice.



This type of ad hoc scheduling may require new legislation or an executive order by the governor to change the way we are so abruptly notified. Per the WV Constitution, the powers of the government reside in all the citizens of the state. There seems to be something missing here in defining how special sessions should be implemented to accomodate public participation. Asking our 2024 candidates for governor about this problem could be added to our forum questions list.

[West Virginia Constitution \(wvlegislature.gov\)](http://wvlegislature.gov)

6-19. Convening of Legislature by governor.

The governor may convene the Legislature by proclamation whenever, in his opinion, the public safety or welfare shall require it. It shall be his duty to convene it, on application in writing, of three fifths of the members elected to each house.

2-2. Powers of government in citizens.

The powers of government reside in all the citizens of the state, and can be rightfully exercised only in accordance with their will and appointment.

2-4. Equal representation.

Every citizen shall be entitled to equal representation in the government, and, in all apportionments of representation, equality of numbers of those entitled thereto, shall as far as practicable, be preserved.

The next sessions of the Legislature can be found on their calendar.
https://www.wvlegislature.gov/bulletin_board/calendar/calendar_2023.cfm

Remarks on a few bills from the recent special session legislation.

HB 113 is of interest as currently it is against WV code to store or dispose of nuclear waste in WV. But to enact **SB 4** (passed in 2022) which allows the production of nuclear energy in WV the current code **§16-27-2** would require repeal. Radioactive waste from other sources are addressed in this bill which also contains various points concerning public safety, including enacting adherence to national air safety standards in our schools. This bill will no doubt be back during the next session.

HB 115 & HB 116 approved supplementing appropriations to the Dept of Education, the State Board of Education and State Aid to Schools. Perhaps the Cabell County BOE's budget will qualify for additional funding that will help to save the proposed loss of expected appropriations for our Cabell County parks and libraries.

HB 117 gave Marshall University a major financial boost, appropriating \$45 million to Marshall University for a new cyber security program.

You may review all of the bills addressed during the Special Session at the WV Legislature Website: http://www.wvlegislature.gov/bill_status/Bills_all_bills.cfm

<u>HB 113</u>	Relating to making West Virginia an agreement state with the United States Nuclear Regulatory Commission	Pending	Senate Introduction
<u>HB 114</u>	Supplementing and amending the appropriations to the PEIA	Signed	Effective from passage - (August 8, 2023)
<u>HB 115</u>	Supplementing and amending	Signed	Effective from passage - (August 8, 2023)

	the appropriations to the Department of Education, State Board of Education – State Aid to Schools		
<u>HB 116</u>	Supplementing and amending the appropriations to state aid to schools	Signed	Effective from passage - (August 8, 2023)
<u>HB 117</u>	Supplementing and amending the appropriations to Higher Education Policy Marshall University	Signed	Effective from passage - (August 8, 2023)

Library Issues

Betty Barrett

The League of Women Voters bases its positions on issues on careful studies and votes by the members. In 2014, the Huntington league performed a careful study of financing of public libraries. Our position has been to support stable and equitable funding for libraries across the state. Specifically in Cabell County, we voted to support continued funding by Cabell County taxpayers, through the portions of County and school excess levy funds.



Cabell County has an extensive network of eight branches libraries, including the large downtown library. The Cabell County system also assists seven other counties to administer their facilities, an efficient way to ensure well-run libraries and save money. The libraries serve thousands of children, adults and families with books, periodicals, videos, recordings, specialized collections, and much more. The libraries' free computers are invaluable for children who do not have computers at home, for adults to apply for jobs, which are often required on line, and many other needs.

Partial funding for all state public libraries comes from state money, in the form of grants based on population, called Grants in Aid. In addition, Cabell has a couple of special laws. The county

commission provides a share of property taxes. The school excess levy provides a similar payment, also from property taxes, in the form of an excess levy approved by voters every five years, by state law in effect since 1967. Along with payment for its work as a regional supervisor, a variety of other small sources, and careful financial management, the Cabell system has functioned well for many years.

This year, in preparation for an excess levy vote in May, 2024, the school board voted to reduce the library share from its recent approximate \$1.5 million, to \$195,000. This would result in a 37% loss of funds for the system. This is contrary to state law in effect since 1967, in the opinion of the library's attorney and many others. In addition, a smaller variable mount usually awarded will be eliminated. The school board thinks they are right in cutting. The result would be a severe loss of library services.

The library board voted to authorize their attorney, Dennis Taylor, to file a writ of mandamus against the Cabell Board of Education. The park system, which had been receiving about \$500,000 annually, also from the school excess levy, also by state law (since 1983), voted to file jointly with the library board, using the same lawyer. The decision whether to file in Cabell's Circuit Court or the West Virginia Supreme Court, is being discussed. A writ of mandamus is usually decided by the court comparatively quickly. It would force immediate compliance with the court decision.

What can we do now as citizens? Write or call school board members asking them to change their minds on cutting the two related agencies receiving funding from the excess levy. You can find the names and email addresses by Googling the Cabell County Board of Education. Talk with your associates and friends about joining your action. Attend public meetings of the three boards, especially the school board, to make your wishes known. Follow the case in the Herald-Dispatch and other news media. Vote in the May 2024 election which includes the excess levy.



Voter Services Meeting

September 20, 2023 at 4:30 p.m.

Edward Tucker Architects

1401 Sixth Avenue, Huntington, WV 25701

The Inconvenient Reality of the Mountain Valley Pipeline

Nyoka Baker Chapman

Navigating through the lies and political quagmire of fossil fuels is an overwhelming journey. I suppose one could say that our natural resources are like Jerusalem, 'All have claims' (a quote from the film Kingdom of Heaven). We find Laws that are not allowed to be enforceable, and no branch of government seems to be able to effectively check the other. The story of the MVP is a testament to

the current state of our US politics and government at all levels and all branches.
<https://www.jdsupra.com/legalnews/mountain-valley-pipeline-to-resume-4018598/>

Per Bloomberg Law: *Mountain Valley Pipeline has violated its construction permit 139 times over the course of two years and committed at least 46 narrative water quality standards violations, but the department said that the violations occurred because of the "size and nature" of the project, and claimed that MVP will comply going ...Apr 3, 2023* <https://news.bloomberglaw.com/environment-and-energy/mountain-valley-pipeline-water-permit-tossed-by-fourth-circuit>

Per the newsletter of US Representative Carol Miller of 03/26/23, she sells another story of the benefits of the MVP and insults the court.

*"This week, I introduced an amendment to H.R. 1, which ensures the Mountain Valley Pipeline is completed and delivers natural gas domestically in mere months. **Many natural gas permitting projects are being held up by a left wing, radical court,** stopping energy production which is causing energy prices to skyrocket. Finishing the Mountain Valley Pipeline will increase domestic energy supply and decrease energy costs for all Americans. This amendment is currently supported by 14 members of Congress. The passage of this amendment is a win for West Virginia and the nation."*

We see that lobbying and campaign contributions to both sides of the aisle are par for the course.
<https://www.nytimes.com/2022/08/07/climate/manchin-schumer-pipeline-political-funding.html>

Patrick Morrissey, our WV Attorney General filed an amicus brief in defense of the MVP. We know his job is to represent the people of WV, but then per prior legal interpretation, corporations are people too. WV receives a 5% severance tax from the oil and gas industry, and he has justified his involvement more than once in these matters as we know. You can read the brief and other documents in the timeline [here](https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/23a35.html).

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/23a35.html>

The Scotusblog explained the role of the MVP in negotiating the debt ceiling. Permits? No problem.
"As the dispute came to the Supreme Court, it centered on legislation enacted earlier this year by Congress to expedite the pipeline's completion. On June 3, President Joe Biden signed the Fiscal Responsibility Act of 2023, a law passed to raise the federal debt ceiling. As a concession to Sen. Joe Manchin, a West Virginia Democrat, the act also included a provision that ordered federal agencies to issue any permits needed to complete the pipeline. That provision, Section 324 of the act, also stripped federal courts of the power to review challenges to those permits and channeled all challenges to the constitutionality of the act to the U.S. Court of Appeals for the District of Columbia Circuit."
<https://www.scotusblog.com/2023/07/supreme-court-rules-in-favor-of-mountain-valley-pipeline/>

The details are here: [20230714161603813 MVP Application to Vacate Stays.pdf \(supremecourt.gov\)](https://www.supremecourt.gov/docket/2023/07/14161603813/MVP_Application_to_Vacate_Stays.pdf)

Senator Shelly Moore Capito says in her release of 7/27/23 that the Supreme Decision on the MVP is the 'Final Say.' [Capito says Supreme Court decision on MVP is 'final say' \(senate.gov\)](https://www.senate.gov/legislative/record/2023/07/27/record-2023-07-27-14161603813)

Al Gore said climate change is "an inconvenient truth". The case of Bush v. Gore was a turning point when an oil man became president and now, we are here. A divided Supreme court decided that Florida's manual recount in the 2000 presidential election was unconstitutional. Many of you will

remember those pesky hanging chads. The final electoral count was 271 for Bush and 270 for Gore. Gore won the popular vote by 543,895 votes but gracefully conceded.

As we face the coming 2024 election for Governor of West Virginia, the fight to elect leadership that will protect our future is at stake. This informative documentary from the PBS Series 'Weathered' demonstrates the reality of our state's future on our current course and is worth watching.

Future candidates must be held accountable to the TRUTH in all aspects of their representation and reporting to citizens. No one can continue to stand on the sidelines and ignore what has and is happening to the state of West Virginia. Only our right to vote and our advocacy will stand to save us.

<https://www.pbs.org/video/what-is-the-riskiest-region-in-the-us-as-the-climate-changes-sf3ep2/>

Excess Levy Turmoil

Betty Barrett

When I was a new League member, probably around 1970, one of my first memories was working on a school issue vote, either an excess levy or school bond. In the more than 50 years since, we have continued to work on every Cabell County school issue election. During that time, every excess levy included a specific and similar amount of the proceeds for the library system, by law. After about 1980, the levy included funds for the parks system, also by law. The League of Women Voters of the Huntington Area has approved this method of providing partial funding for the two county agencies, by vote of the members following careful study.

As I am writing this, we are awaiting a vote by the Cabell County Board of Education on a levy vote that will drastically reduce the amount of funding for libraries and eliminates any funding for parks. I believe this is illegal. It will mean a drastic reduction in services. As I write, we do not know what will be done about this. The school board vote is planned for August 1. The two other agencies will decide the next day on their reaction.

I do not want to speculate at this point. It is safe to say that whatever is decided will require a reaction from the League as we work to make sure the community understands the issues and will vote on election day in May. This newsletter will provide the news and reaction. You can be sure we will let you know our position.



Single membership is \$50.00. Two Memberships in the same household are a total of \$75.00.

Please make your checks out to **the League of Women Voters of Huntington** and mail them to: LWV c/o Carolyn Bagby, 79 N. Bradley Foster Road, Huntington, WV 25701.

LWV Garden at the Cabell County Courthouse



Special thanks to Jan Gossett, Nyoka Baker Chapman and Marcia Daoust for planting and taking care of the flowers at the Cabell County Courthouse garden sponsored by the League of Women Voters.