



WV Citizen Action Group 2014 Public Policy Priorities

Economic & Social Justice

Increasing the State Minimum Wage –

Thousands of hard working West Virginians earn minimum wage, but no matter how hard they work, minimum wage is simply not enough to cover their basic needs, like food, rent and health. Taxpayers end up supporting these low-wage workers with food stamps, housing and healthcare allowing employers in fast food and other big box businesses to pocket increased profits through these taxpayer subsidies.

If the minimum wage had increased even with inflation, it would now be around \$10/hr. In West Virginia nearly 90% of minimum wage workers are over the age of 20. More than 22% have children and over 35% are married. On average, these workers provide nearly half of their family's income, while almost one out of five workers are their family's sole provider.

Raising the minimum wage will help workers better provide for their families and boost the economy. They'll have more money to spend on goods and services from local businesses. Indexing the minimum wage to inflation will help ensure that their paycheck doesn't lose value over time.

Members of the Legislature don't have to wait for Congress to act. West Virginia can join the 19 other states that have raised their minimum wage on their own and start reversing the decades-long erosion of low-wage pay and thus combat inequality and poverty.

Creating a Future Fund –

West Virginia's rich mineral wealth has often resulted in a boom and bust economy. History shows us that some of the poorest counties in the state are those from which the greatest natural wealth has been extracted.

The Future Fund would create a permanent mineral trust fund from a portion of severance taxes to provide a stable source of wealth for the state to invest in infrastructure, education and social stability.

Similar programs have been used in states like Wyoming to encourage economic growth and provide long term security to the state. The Future Fund will ensure that children of today and tomorrow will have a lasting benefit from resource extraction.

Employment and Housing Non-Discrimination Act –

All West Virginians deserve to be treated fairly by the laws of their own state, regardless of sexual orientation and gender identity. Unfortunately, in nearly all of West Virginia, hardworking, responsible people can be fired or kicked out of their homes because of whom they love.

We support the passage of the Employment and Housing Non-Discrimination Act, which will add sexual orientation and gender identity to the Human Rights Act. This is a common sense update to existing law that will help create a vibrant, inclusive workforce.

Federal Budget Priorities

The growing inequality between the richest 2% and the rest of us weakens our nation and our state. It's time that millionaires and multinational corporations pay their fair share of taxes so that our state and country can invest in infrastructure, education, healthcare and economic security for our families.

Congress should close offshore tax loopholes that allow the wealthy and big companies to ship both jobs and profits overseas, costing our state's taxpayers more than \$106 million annually. Sensible cuts in post-war pentagon spending are also needed.

Protecting Social Security, Medicare & Medicaid and other social programs by ending harmful, automatic budget cuts (known as the Sequester) and passing a more progressive budget are also a must.

Energy Efficiency & Conservation

Energy Efficiency Resource Standard –

We are calling on the Legislature to adopt an Energy Efficiency Resource Standard (EERS) which requires utility companies to provide efficiency programs to their customers to help them save money on their utility bills. EERS sets a timeline for achieving energy efficiency and demand response goals.

Energy efficiency and demand response programs could be administered by our electric and natural gas utilities, or a third party agency could administer the programs (as has been done with great success in Vermont, Oregon, and others).

The proposed EERS standard would require utility companies reduce electricity use (number of kWh) and peak demand by 15% by 2027. Initially the program would start with smaller annual reduction targets (achieving a 4.5% savings by 2019) and then ramp up to achieve deeper savings in later years.

This plan is estimated to save West Virginians between \$200 and \$500 million on energy bills. Increasing energy efficiency will not only reduce demand for electricity and cut utility bills, but also create jobs and provide citizens with more income to spend in our local economies. In these tough economic times, this is a solution that we need.

Energy Efficiency Resource Standards are the law in over half the states in the country and in the majority of those, utility companies are exceeding their savings targets.

Integrated Resource Planning (IRP) - -

Integrated Resource Planning (IRP) - also called Least Cost Planning - is a process used by utility companies to determine the mix of resources that will meet electricity demand at the lowest cost and to make this public information.

Crucially, utilities would be required to consider investments in energy efficiency on an equal footing with investments in traditional power plants.

West Virginia power companies are not investing significantly in energy efficiency, although it is less expensive to save energy through efficiency than it is to generate energy by building new power plants.

Over half the states require some form of integrated resource planning to ensure that power company investment decisions – which impacts our electric rates – are in the public interest, and that power companies are sufficiently investing in energy efficiency programs.

Health Care

Affordable Care Act Implementation & Medicaid Expansion –

WV-CAG continues to support the implementation of the Affordable Care Act (ACA), including enrollment of the 130,000 state citizens who qualify for Medicaid expansion. Federal funds will initially cover 100% of the cost, and no less than 90% after the first three years. In the first six years of the Medicaid expansion, West Virginia is expected to spend just 2.4% to 3.2% more than what it would have spent without the expansion. This modest increase will be counterbalanced by savings in other budget areas and new tax revenue from the increase in employment in the health sector. Rather than voting over forty times to repeal the ACA, lawmakers from all political parties should be working together to strengthen and make it better with the inclusion of a public option in state insurance exchanges.

Compassionate Use of Medicinal Marijuana –

WV-CAG supports legislation that authorizes physician prescribed medical use of marijuana by patients with severe health conditions. A January 2014 statewide survey by Public Policy Polling showed 56% of West Virginia voters favor allowing doctors to prescribe specified amounts of marijuana for patients suffering from serious illnesses. Twenty other states have enacted laws protecting patients who use medical marijuana from state prosecution. Critically ill citizens in West Virginia deserve the same protection.

Pregnant Workers' Fairness Act –

The Pregnant Workers' Fairness Act requires employers to make accommodations for pregnant employees allowing them to both take care of their immediate health needs and complete the job at hand. WV-CAG is joining WV FREE and other allies in supporting this bill to improve women and children's health and bolster the economic security of West Virginia families.

A reasonable accommodation could be as simple as providing a stool for a pregnant cashier to sit on or allowing a water bottle to be on hand throughout the work day. When women face a conflict between work and childbearing and are forced unto unpaid leave or fired, families are losing crucial income right at the moment they need it most. The Pregnant Workers' Fairness Act would provide a straight forward set of rules to ensure there are reasonable accommodations for pregnant workers.

Responsible Marcellus Shale Development

Regulation of Marcellus Shale Development –

The DEP asked the Legislature to revisit the setback provisions in the Horizontal Well Control Act, suggesting the distance from occupied dwellings should be measured

from the nearest edge or limit of disturbance (LOD), rather than the center of the pad “to provide for a more consistent and protective safe guard for residents in affected areas.” We agree, however setbacks alone on not sufficient. In addition to increasing the setback distance from occupied dwellings to 1,500 feet from the LOD, the following recommendations from researchers at WVU should be adopted with regard to noise, dust and other air emissions from horizontal drilling sites:

- Fence-line monitoring for noise, dust and toxic air emissions
- Measureable emission standards for these parameters that can be adjusted using Best Available Control Technology (BACT)
- Both short and long-term health studies of citizens living near Marcellus wells

Expanding Rights and Protections for West Virginia Surface Owners –

In West Virginia, the people who own the land often own only the surface, not the minerals buried underneath. Changes are needed to assist surface owners in exercising their common law rights and to ensure good stewardship of the land. Well operators should be required to negotiate surface use agreements, allowing land owners’ input on where and how well locations and access roads will be built. We also want drillers to post a bond to guarantee that surface owner’s damages are compensated if no agreement can be reached.

In addition, WV-CAG supports a Land Reunion Act that would reverse the trend of split ownership by giving surface owners a chance to own an interest in the minerals under their land when these mineral rights are sold for unpaid taxes.

Solid Waste Management –

Where and how the huge volumes of Marcellus Shale drilling waste are being disposed continues to be a major concern. Until recently, it was common practice for drillers to store their waste in open pits in the ground and then bury their drill cuttings and other solid waste on-site on surface owners’ land. Although, state law does not prohibit on-site burial, many drillers now use closed-loop systems rather than pits. As a result, Marcellus drilling waste is now going into at least nine West Virginia landfills, in some cases exceeding the locally approved tonnage caps by a factor of three – an important component of the WV Solid Waste Act passed in the 1990’s. The rational for imposing the caps was largely based on traffic safety and highway repair issues.

An additional concern is that the state has insufficient data to understand the level of naturally occurring radioactive materials (NORMs) that are released from the Marcellus formation in the process of drilling and fracking a well. Additional regulations and fees are needed to address this massive influx of waste into landfills designed for municipal waste.

WV-CAG will also continue to support any and all legislative efforts to achieve the waste reduction goals set forth in the Comprehensive Solid Waste Act of 1991. This includes the reduction and reuse of solid waste and increasing state and local public recycling programs.

Election & Campaign Finance Reform

Ensuring fair, free and transparent elections is critical to restoring the public's trust in government and increasing the voice and participation of average citizens in the electoral process. WV-CAG is working to further these goals by supporting the following policies:

Publicly Financed, Voter-Owned Elections –

In 2010, in response to scandals involving the state Supreme Court and former Massey Energy CEO, Don Blankenship, Governor Joe Manchin recommended and the legislature established a public financing program to help restore confidence in our judiciary -- making us an example for the rest of the country. In 2012, Allen Loughry became the first candidate to successfully use public financing to be elected to the WV Supreme Court of Appeals.

Based on the pilot project's success, the legislature made public financing a permanent part of West Virginia Supreme Court elections to ensure a fair and impartial judiciary.

We are working with our coalition partners, legislative allies and the Secretary of State's office to secure a dedicated, permanent source of funding for the program.

Post *Citizens United* Reforms –

There was one 'silver lining' in the 2010 U.S. Supreme Court ruling in *Citizens United vs. FEC*: states can require those who 'pay to play' in our elections to fully disclose their financial sources. WV-CAG supports legislation aimed at increasing accountability and transparency in West Virginia elections, including reforms that strengthen and improve enforcement of existing campaign finance disclosure laws that would require corporations and other entities to fully disclose expenditures made for political activities to the Secretary of State and the public.

This transparency enables the electorate to make more informed decisions and help give proper weight to different speakers and messages.

We will continue supporting Congressional action opposing *Citizens United*, including an amendment to the US Constitution providing that corporations are not "people" entitled to the "rights" of natural persons, specifically so that the expenditure of corporate money to influence the electoral process would no longer be allowed.

Same Day Voter Registration –

WV-CAG supports legislation that would increase voter registration and participation by allowing citizens to both register and vote on at least one day during our early voting period. A growing number of states are adopting same-day registration (SDR) and studies have shown that voter participation is 10 to 12 percent higher in presidential election years in states that have SDR.

Opposition to Voter Suppression –

WV-CAG opposes unnecessary and restrictive "voter ID" laws. We already have a good working system to prevent unauthorized voting. We shouldn't enact voter suppression in the name of election protection.

Voter ID is really targeted voter suppression. Minority groups have been the historic targets of disfranchisement efforts in this country and new voter ID laws are targeting them once again.

West Virginia has had historically low voter turnout in recent elections. This is no time to enact measures that risk depressing the vote of seniors, students, people of color and others.

Ensure Election Integrity by Preserving WV Post-Election Audit Requirement –

WV-CAG opposes proposals that would limit the scope or otherwise undermine the intent and integrity of the post-election audit.

Nearly all elections today are counted using electronic voting systems. These voting systems have produced result-changing errors through problems with hardware, software, and procedures.

Well-designed and properly performed post-election audits can significantly mitigate the threat of error, and are an integral to the integrity of our vote counting system.

West Virginia has one of the strongest post-election audit requirements in the country. We require a hand-count of the votes cast in five percent of randomly selected precincts in each county, and compare those counts to the vote counts originally reported, as a check on the accuracy of the results. Our democracy demands no less.