

Legislative Update
of West Virginia
Citizen Action Group

January 11, 2014

Volume 14, No. 1

2014 Session Begins

by Gary Zuckett

In this issue:

Anticipation and Trepidation are two words that come to mind as the WV Legislature rolls into town for their 60-day session.

Anticipation (and hopes) to get a raise for Minimum Wage workers, fix inadequate Marcellus laws, start up a WV Future Fund, and move many more progressive issues further down the field if not across the goal line.

Trepidation is over the David and Goliath aspect of many of our initiatives. We're building grassroots coalition power working with allied groups to counter the big money and influence of the extractive industries and those business interests solely focused upon profit rather than any thoughts of social, economic and environmental justice. We have a big fight on our hands every year and the stakes are high – the wellbeing of West Virginians and the environment they love.

Since this is the second year of the legislative session (two year sessions correspond to the terms of all WV House of Delegate members) many bills “roll-over” and are automatically reintroduced from last year. That being said, the House and Senate have introduced a total of 1058 bills – not bad for day two!

The internet age has made the job of tracking all these much easier for

both us here in Charleston and citizens who want to keep up on what going down at the legislature.

Fortunately, the legislative services folks have a top-notch web page at www.legis.state.wv.us where anyone can find updated info including printable copies of any bill, look up lawmakers contact info, and even listen in on certain committee meetings and floor sessions.

Bookmark this page on your web browser to have it handy over the next two months.

The Capitol Eye will go out to our subscribers at least every other week during the session, but this year we have a new blog to post fast-breaking news and commentary. Check it out on our home page at www.wvcag.org. Supporters can also send in a contribution toward our lobby efforts by clicking the “Donate” button, hint, hint.

If you're getting this on-line and would prefer a paper copy, there are two options – got to the web page and print out the PDF file formatted to print, or send us a note requesting we snail mail you a copy. Don't forget that we are also on Facebook. Please look us up there and “like” our page so you get our feed there too.

Let the sausage making begin!

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Election Reform Update

by Julie Archer

Election Protection & Campaign Finance Reform Continue to Top WV-CAG Public Policy Priorities

Ensuring fair, free and transparent elections and increasing the voice and participation of average citizens in the electoral process continue to be among WV-CAG's top public policy priorities. During the 2014 legislative session, we will be working to further these goals as follows:

Supporting Publicly Financed, Voter-Owned Elections

In 2010, in response to scandals involving the state Supreme Court and former Massey Energy CEO, Don Blankenship, then 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.

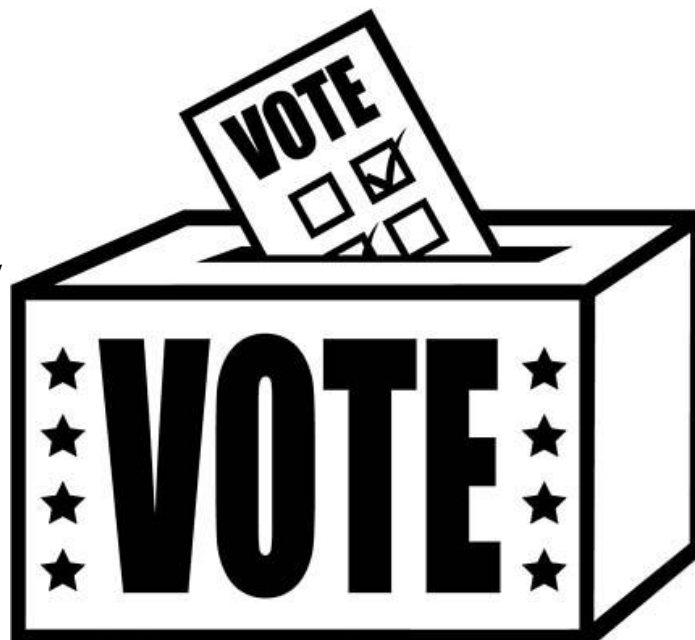
Based on the pilot project's success, the legislature made public financing a permanent part of West Virginia Supreme Court elections to ensure a fair and impartial judiciary. We are working with our coalition partners, legislative allies and the Secretary of State's office to secure a dedicated, permanent source of funding for the program.

Supporting Post *Citizens United* Reforms

If there was one 'silver lining' in the 2010 U.S. Supreme Court ruling in *Citizens United vs. FEC*: it's that the court affirmed that 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 will enable the electorate to make more informed decisions and help give proper weight to different speakers and messages.

We will also continue supporting Congressional action opposing *Citizens United* regarding the constitutional rights of corporations,



including an amendment to the U.S. 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 a form of constitutionally protected speech.

Opposing to Voter Suppression

WV-CAG opposes unnecessary and restrictive "voter ID" laws. We already have a good working system to prevent unauthorized voting. Voter ID laws are designed to prevent a specific type of voter fraud – voter impersonation.

However, there are no documented

cases of voter impersonation that this measure this added measure would stop. We shouldn't enact voter suppression in the name of election protection.

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

Supporting Preservation of 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.

Marcellus Drilling Waste and Landfill Caps Unite Environmental Movement

by Norm Steenstra

By a stroke of a pen, DEP Secretary Randy Huffman voided the law that restricts the size of WV landfills. He did so to accommodate the drilling industry's need to dispose of potentially toxic waste. Huffman declared that drilling waste was exempt from tonnage caps. Chairman of the Wetzel County Solid Waste Authority, Bill Hughes, arguably the citizen expert on solid waste and Marcellus issues, researched the impact of Huffman's action and discovered that in 2013 more than

600,000 tons of drilling waste was deposited in just three state landfills- Wetzel, Wheeling, and Clarksburg. Recently, with authorized maximum of 9,999 tons, Wetzel took in over 40,000 tons in one month.

But wait, it gets worse! It is widely acknowledged that Marcellus Shale is radioactive. It also contains significant amounts of heavy metals. Radioactive material is prohibited from being disposed of in state landfills. DEP has not specifically tested horizontal drilling waste for

radioactivity nor for that matter have the landfills.

OK. It doesn't take a rocket scientist to realize that radioactive material is dangerous and undesirable. It's the gift that keeps on giving and giving. Back in 1991, the environmental community, with much assistance of the Caperton Administration, worked to pass a comprehensive solid waste law that limited the size of landfills. The rationale for placing limits was health and traffic safety issues. The law gave local control to county solid waste

authorities to establish limits based on need and public safety. The limits were also meant to extend the life of existing facilities and thus reduce the number of new landfill siting battles.

This 600,000 extra tons of waste is a bonanza for the DEP. The REAP Program and the State Solid Waste Management Board all of which receive extra income from additional tipping fees.

WV-CAG and the environmental community will be working to have the landfill caps restored and pushing for the DEP to do its job on testing and enforcement of radioactive materials. Stay tuned!



“Taste of Fracking” Comes to Charleston

by Gary Zuckett

“Don’t drink, cook or even bathe in the water,” I heard the announcer say on public radio tonight. Not something you hear everyday about your tap water. On the drive home from the capitol I stopped as did most everyone else to pick up a case of water. However, most were not buying a case but a shopping cart full, quickly depleting the local supply. A water crisis, who would have thought it on the second day of the WV Legislative session? Not just for Charleston, but for many surrounding counties that WV American Water services.

Today was Transportation Day at the capitol. Many days are “celebrated” by specific policy groups. My favorite is probably “A Taste of West Virginia” when all the State Park resorts and places like Tamarack hold court in the rotunda and share samples of their fine cuisine.

Today, our whole WV Legislature got

to share the same “Taste of Fracking” that many rural farm families have gotten from the Marcellus Shale industry. I remember the Jackson Co. couple who called our www.wvsoro.org office several years back. They raised two sons on their farm with fine well water. The same water that started making them sick not long after a Marcellus well was drilled near their home.

After going to the doctor and having their water tested, they were told not to drink the water, or even bathe in it! Their grown sons who were still taking jugs of that good ‘ol farm water back to Ohio homes were also affected. This retired farming couple ended up renting a house on the edge of town and suing the drillers to get their water replaced, if even possible.

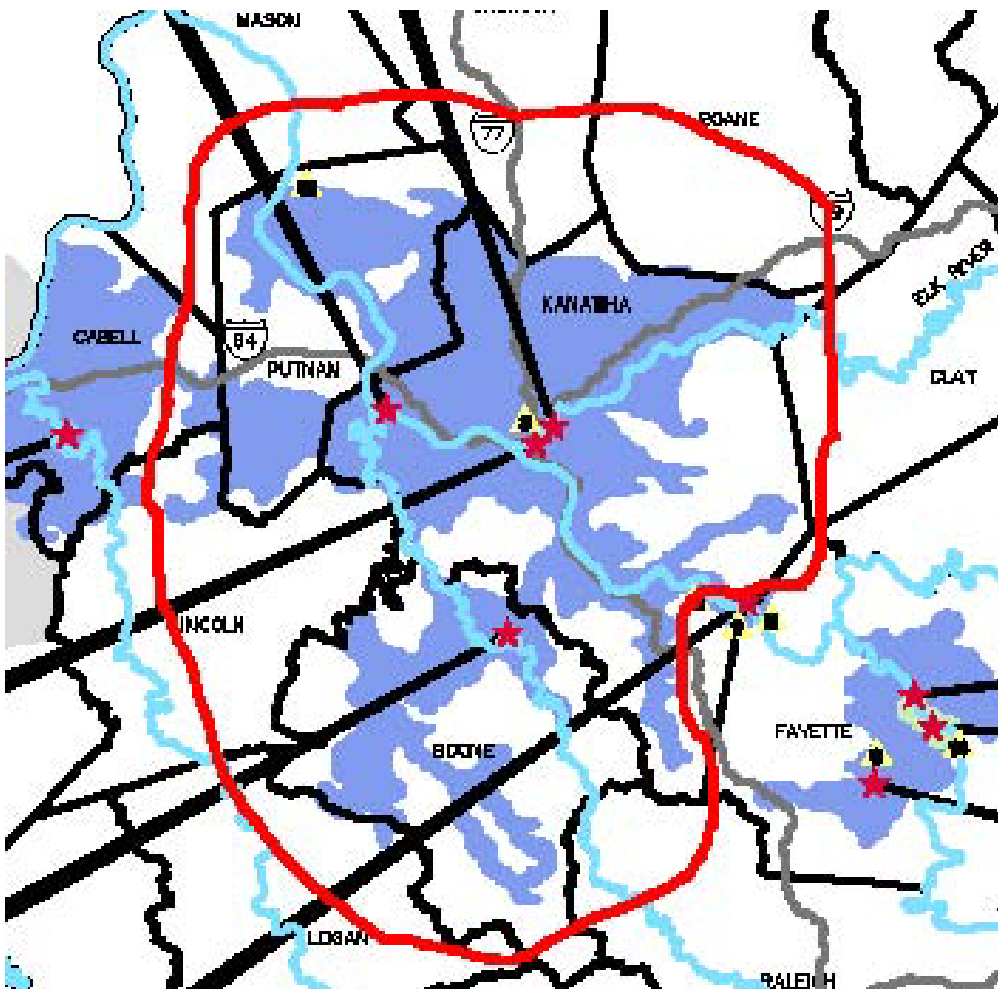
Charleston and WV Lawmakers, this is how it feels. This is a “Taste Of Fracking” right here in the capitol city. Ironic that the cause was the coal

service industry. Maybe both need better monitoring and regulation?

Ok, I grant the argument can be made that the rural wells are isolated problems. The fact is several WV municipal water supplies have already being impacted by Fracking. Fracking fluids are currently making their way into our watersheds by runoff, spills, dumping, “accidents”, leaking holding pits and have spiked certain Safe Drinking Water Standards around the state. One particular component of both the Frack fluid and tailings is Bromine, which combines with the Chlorine used to disinfect drinking water to produce cancer causing compounds like organo-chlorides & trihalomethanes (thm’s) that are regulated in drinking water. Municipal sewage plants are now barred from accepting Fracking fluid for treatment partly because the river’s load of these salts was making it hard for the drinking water plants to meet safe water standards.

In addition, Marcellus drilling tailings (solids) are laced with low-level radioactivity, volatile organic compounds, heavy metals and God knows what else. We are now rapidly filling up our landfills with this toxic sludge when they were built to hold our household garbage. Where will we put our trash when they’re all filled up with toxic Marcellus mud?

Why are we letting ourselves be the WV guinea pigs for this Fracking experiment when other states have closed loop systems to better contain Fracking excrement, many are better regulated and some even won’t allow it on their dirt until science weighs in on the safety of the whole process? What’s the rush to drill when there is such a glut of gas in the marketplace already? We need to slow things down, take a deep breath, and make sure we’re not sacrificing our most valuable long-term renewable resource, our clean water, for the quick bucks that the Marcellus promise...



Minimum Wage Should Provide At Least Minimal Quality of Life

by Brooke Drake

Minimum wage employees are forced to rely on government assistance to support their families. This doesn't help our country's bottom line. Most [business owners](#) are willing to make the necessary adjustments over a reasonable period of time. Workers in other states are asking as much as \$15 per hour. The low cost of living enjoyed in West Virginia allows a more modest increase. House Democrats are asking minimum wage be raised to \$8.25 per hour. This increase of \$1 still earns a family of three below poverty wages. One concern is that this single, time-released dollar will not keep up with increasing prices. Ohio has linked inflation to minimum wage increases since 2006, when voters passed a State Constitutional Amendment. Statistics from across the country skew the facts about the need for an increase in wages for our workers. Here, the average minimum wage recipient is a single mother, with some higher education, working full-time and still unable to completely provide

WHO IN WEST VIRGINIA IS HELPED BY RAISING THE MINIMUM WAGE?



WHAT PEOPLE THINK

- Teenager
- Works part time after school
- Lives with parents
- Earning extra spending money



THE REALITY

- More than **1 in 5 workers affected**
- 88% are not teens.** They're 20 or older
- 62% are **women**
- 25% have children**
- 55% work **full time**
- On average, they **earn 46%** of their **family's total income**



Note: Statistics describe civilian workers, ages 16+, that would be affected by an increase in the federal minimum wage to \$8.50 over three years, as explained in *Raising the federal minimum wage to \$10.10 would give working families, and the overall economy a much needed boost.* Visit www.epi.org/issues/minimum-wage for more details.

ECONOMIC POLICY INSTITUTE | West Virginia Center on Budget & Policy

for her family. This undermines any opportunity that American family has for pride in a hard day's work. It will only serve to repeat the cycle of reliance that plagues our society. Earnings of low wage workers go directly into the economy that sorely needs a boost. Increasing low wages allows unskilled workers the freedom to grow themselves to be the workers of tomorrow. Providing livable wages for all workers will

prevent tax payers from footing the bill for greedy businesses. WV-CAG will be working with allied groups to help pass a new WV Minimum Wage. A press conference is planned at the Governor's Conference Room in the Sec of State's office at 10 AM on Tuesday to kick-off the campaign. Stop by if you can to show your support and call your Legislators and let them know too.

What is there to Do?

Citizen Advocacy Trainings are for Everyone!

If you would like to better understand the legislative process, you are encouraged to attend the Advocacy Trainings sponsored by

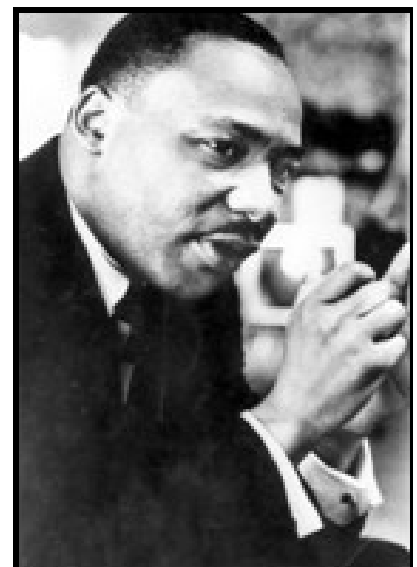
the area's most progressive organizations. The free trainings this month are on Saturday, January 25 from 12-2 PM at

Shepherdstown Presbyterian Church in Shepherdstown, and Monday, January 27 from 6-8 PM at the Marshall University Memorial Student Center in Huntington. American Civil Liberties Union (ACLU) WV, WV Citizen Action Group (CAG), WV Coalition Against Domestic Violence (CADV), Direct Action Welfare Group (DAWG), WV Environmental Council, Fairness WV, West Virginia FREE, National Association of Social Workers (NASW) WV, and Planned Parenthood Health Systems are offering tips on speaking with elected officials and learning about issues in West Virginia. For more information please contact Justin at justin@fairnesswv.org or (304) 806-2220.



Martin Luther King, Jr. State Celebration

Join Governor Tomblin's Martin Luther King Jr. State Holiday Commission as they carry forward Dr. King's message of justice and equality for all. Beginning at 10:30 a.m. on Monday, January 20, 2014 with Ecumenical Service at Asbury Methodist Church (501 Elizabeth St, Charleston, WV 25311), the group will then travel onto the Capitol Grounds. After a 12:30 p.m. Ringing of the Bell for Peace, a 1p.m. invitation only awards luncheon will be held at the Cultural Center. To conclude the celebration, a Unity in the Community Concert will be held at 3p.m. in the same location. To RSVP for the luncheon or for more information, call (304) 558-3179.



The Campaign for Energy Efficiency in WV

by Stacy Gloss

We at Energy Efficient West Virginia (EEWV) are glad to be back for another year of advocating for energy efficiency at the WV legislature in 2014. Among the benefits of energy efficiency are job growth and economic development, energy independence, and energy security.

This year we plan to provide education to our state's leaders on the effectiveness of energy efficiency and common sense policies that would assist the Public Service Commission in planning for a diversified portfolio in least cost electricity production from supply-side (generated electricity from coal, gas, and renewable energy) and demand-side (conservation and energy efficiency) resources to ensure reliable and affordable electricity for all West Virginians.

In the Capitol Eye, you can look forward to explanations about integrated resource planning,

creating an energy efficiency resource standard, and other opportunities that would promote energy efficiency in our state. Our 2014 goals are to educate our law makers about:

- Integrated Resource Planning (H.B. 2803)
- Energy Efficiency Resource Standards (H.B. 2210 and H.B. 2323)
- Tax credits for new construction of energy efficient buildings (H.B. 2200)
- A water conservation bill focused on replacing public urinals with waterless urinals to save 40,000 gallons of water annually (S.B. 89)
- Property Assessed Clean Energy – introducing a nationally recognized financing opportunity for commercial property owners to make energy efficiency related upgrades



CAG will also continue to keep an eye on issues pertaining to unfair and improper billing practices by Mon Power and Potomac Energy. We'll also continue to offer insight about our WV Supreme Court appeal of the Public Service Commission's decision allowing Mon Power to acquire the Harrison coal plant saddling a greater than \$750 Million bill on the backs of West Virginian's to bail out Ohio based First Energy.

For more information about EEWV visit www.eewv.org and sign up for our updates about energy efficiency in the Mountain State.

2014 Legislative Priorities

by Gary Zuckett



The working draft of WV-CAG's 2014 legislative agenda is now posted on the www.wvcag.org web page. It's a long list but take a peek. We are not the lead group on every one of these but we'll be in there swinging with our allies to get as many priorities as we can made into public policy to help make West Virginia a better

place to live, work, and raise a family. You can help by taking action on specific bills as they come up, developing a relationship with your legislators (they're working for you – you pay their salary) and, if you haven't already, [renewing your membership/support](#) for WV Citizen Action. Thanks in advance!

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January 24, 2014
5:30 - 7:00 pm screening
Refreshments provided/Discussion to follow
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To view the movie trailer visit:
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comes an exposé on the nation's widening economic gap.

He's taking this fight to the street.

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