

Legislative Update
of West Virginia
Citizen Action Group

February 7, 2014

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Help Us Fight the War on Water

by Gary Zuckett, Executive Director

At the [public hearing this week on SB 373](#) I called out the pollution lobby's constant erosion of our clean water laws as the WAR ON WATER, and proclaimed that WV-CAG was proud to be a FRIEND OF WATER!

This is obviously a play on another group's motto, but it makes a good point that there is a massive force in WV that is always seeking to diminish the gains we have made over the years on environmental issues in order to generate more profits for coal, oil & gas and chemicals. Greed knows no limits.

The chemical spill which poisoned the water for 1/6 of WV's population was a wakeup call, a sea change. We're seeing regular citizens who have never been active on anything coming to meetings, testifying at public hearings and town halls and wanting more to do to fix our broken regulations and enforcement.

Whether or not you've been affected by the recent spill, you're still being affected by the WAR on Water. In the north, Marcellus Gas Fracking is threatening both private wells and municipal water supplies. Now our landfills are taking in radioactive Marcellus waste without monitoring or regulation. In the south, Mountain Top Removal has been polluting waters for decades and clinical studies show higher birth defects and cancer rates for those who live near these monsters.

This crisis has rightfully been taking up the lion's share of our time and resources since January 9th. However, it was not in our 2014 operating budget and now we need to ask you, our loyal

members to renew your membership (or if you can, make a special contribution) to help us fight back.

Fortunately, one of our long-time members has stepped up to challenge everyone to kick-in what they can with the promise that he will match your contributions, dollar for dollar, up to \$1,000 per member toward a grand total of \$20,000! That's right, your contribution up to \$1,000 will be matched by this generous donor.

But wait, it gets even better. If you one of the folks who may have never gotten around to becoming a member or sending in support, if you are a first-time contributor, your match will be two-for one. So a \$25 membership will turn into \$75 for us to fight the War on Water.

How about it? It's easy to become a member or contribute on line at www.wvcag.org

or for tax deductible donations at www.wvcaef.org

Thanks in advance from all of us here at CAG central!

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Citizens rally at capitol after Healing the Waters Ceremony one week after chemical spill

Proposed Funding Program Allows Commercial Buildings to Conserve Energy

by Stacy Gloss

Energy Efficient West Virginia talks to stake holders and partners across the state about energy efficiency issues facing our communities. We have found that one of the barriers to making buildings more energy efficient is finding the money and resources needed to initiate major projects.

Cash strapped property owners need loans, but often banks are weary to provide funds for these types of capital improvements. Finding the right financing opportunity can be a challenge, but it doesn't have to be. One answer to this challenge is a nationally recognized program called PACE. We are working on bringing the PACE option to West Virginia now.

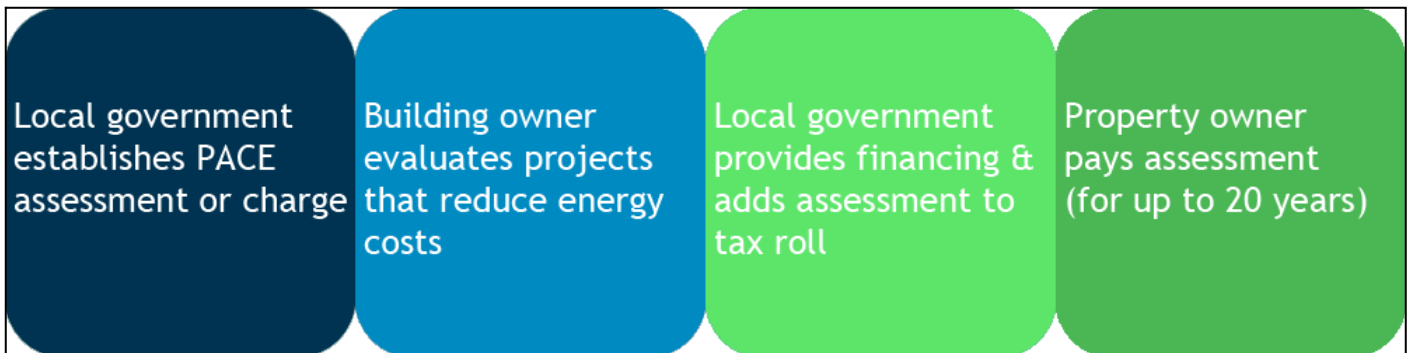
Property Assessed Clean Energy (PACE) provides commercial property owners with an alternative financing structure to evaluate energy saving measures and eliminate upfront costs by receiving 100% financing. The loan is repaid as a property tax assessment for up to 20 years.

PACE is a local government / community initiative that creates permanent private sector jobs, and strengthens local economies - improving our building stock for future years to come. PACE is a completely voluntary program on the part of local governments and property owners.

Currently 31 states and the District of Columbia have legislation enabling local governments to offer PACE benefits to building owners and we believe that West Virginia can offer this program too. Next week the W. Va. House of Delegates will introduce a bill for PACE and we'll continue to provide updates to our members following the bill.

More information about PACE can be found at pacenow.org.

There are 4 easy steps involved in the pace program: (<http://pacenow.org/about-pace/what-is-pace/>)



WV Senate Approves State Forest Timber Theft Bill

~The Associated Press

The West Virginia Senate unanimously approved a bill making it an offense to steal timber from state forests. The bill grants the Division of Forestry the authority to investigate and enforce timber violations. Individuals who steal timber

valued under \$25,000 would be guilty of a misdemeanor and could face up to a year of jail time and/or a fine of up to \$500. Thefts valued at more than \$25,000 would be considered a felony and perpetrators could face up to three years in jail and/or a fine of up to

\$10,000. In addition to these criminal penalties, anyone convicted of timber theft would pay a \$500 civil penalty to the Division of Forestry. Senate [Bill 353](#) has been passed to the House for action.

Legislation Watch

by Gary Zuckett

We haven't been totally consumed with the Water Crisis. Below are some of the other bills we're following and action items for them. Remember, bill text and up to date legislative actions can be found on the WV Legislature's web page: www.legis.state.wv.us. For updates on environmental bills see the www.wvecouncil.org the web page for the WV Environmental Council.

Acts of God vs Homeowners Insurance

SB 349 & HB 4204 both moved out of their respective Insurance committees and both now in each Judiciary. This bill would prevent your homeowners insurance from being cancelled because of back-to-back claims from widespread weather related disasters such as Derechos, blizzards and such. This is what insurance is for in the age of climate change. Call members of each Judiciary to support.

Whistleblower Bill Faces Business Opposition

HB 4001 which we wrote about last time is facing stiff opposition from the WV Chamber of Commerce and especially Hospitals. Remember this would save taxpayers millions from those who defraud Medicare and other government programs and contracts by sharing the savings with employees who turn in their bosses. If business isn't ripping off the government they have nothing to fear so why all this hysterical opposition? Contact members of the House Judiciary committee to let them know your views.

Future Fund Moving

SB461 that would set up a state economic development trust fund with revenue from oil & gas severance taxes was introduced last Friday and has already passed its first committee and is now in Finance. This much-needed fund would help us build a source for future needs such as roads, schools utilities and maybe even safe drinking water. The Senate Finance committee needs to hear from you.

Rx for Cannabis Stalled

HB 4264 medical marijuana bill is still in House Health & Human Resources committee. There is no indication at this time whether the bill will make it onto their agenda. Those interested in this issue may want to attend the upcoming NORML gathering at the Charleston Woman's Club on Feb 18th. Contact Dave Dawson, WV NORML President, 304-410-0229 for more information.

Wrong Way Ballot Canvass Bill

SB359 which eliminates the required hand count to check our suspect electronic voting machines has passed the Senate and is in House Judiciary. Contact Judiciary members and tell them this is a big step backwards for keeping our elections safe from being fixed.

Marcellus Landfill Bills Introduced

SB 474 & HB 4411 were introduced this week which would fix into law the DEP director's permission slip sent last summer to landfills allowing them to take unlimited tonnage of Marcellus drilling waste. The Senate bill is in Government Organization. The House version is in the Energy committee. Contact chairmen and members of these committees and tell them we don't want our municipal landfills filled with toxic industrial waste. Stay tuned for more on this next week.



Perry Bryant addresses citizens at training last Friday in preparation for public hearing on SB373

More Gold Dome Updates

by Brooke Drake

Minimum Wage Bill Raises Wages Minimally

Bills are going through both the House and the Senate to increase minimum wage. Controversies are regarding the timeline of implementation as well as the unnecessarily low increase. Though little information was provided in the House Finance Committee meeting regarding the impact on the economy or which demographics would benefit, [HB 4283](#) was sent to the House Floor.

The major defect of this supposed improvement is that college students working part-time are completely exempt from earning minimum wage. Corporations do everything they can to pay their employees as little as possible, including already keeping their hours in the part-time range.

Anna Reed, mother and step mother of three, makes \$2.13 per hour plus tips waiting tables. During the water crisis, she spent her spare time attending local rallies about water safety. She is quoted in this [Gazette article](#) discussing the low wage jobs that support even the college educated citizens of our community. Now it is time for people with livable salaries to give back to those like Anna.

Not only should we tip servers enough to make ends meet, we should ensure that everyone earns enough money to pay the tuition they are working part time to afford. Please visit WV Center on Budget and Policy's [Website](#) for more information.

Pregnant Workers to Have Reasonable Accommodations

A [bill](#) requiring the Human Rights Commission to devise legislative rules to accommodate pregnant workers has passed the House, [reports](#) the Gazette.

The unanimous vote came with six absences after Delegate Folk's amendment to redefine the concept of personhood to include fetuses was shot down. Delegate Skinner pointed out that this amendment would open the gate for unconventional lawsuits involving the fetus as an employee.

The new guidelines might include a stool for employees who normally stand, but details will be released within two years of the bill becoming a law.

Employers and Landlords: It's 2014.

Senate President Kessler is looking toward the future by bringing West Virginia to the [present](#). Bill 472, known as The [Employment and Housing Non-Discrimination Act](#), introduced to Senate Judiciary, will add sexual orientation to the list of unlawful motives for discrimination.

This makes it illegal to use a person's "heterosexuality, bisexuality, homosexuality or gender identity or expression, whether actual or perceived", as a reason to disqualify them for employment or housing. Along with "race, religion, color, national origin, ancestry, sex, age, blindness or disability", states are realizing that changing times lead to open minds.

Senators Wells, McCabe, Snyder, Fitzsimmons and Cookman are also sponsoring the bill.

FAIRNESS
WEST VIRGINIA



Campaign Against Culture of Non-Enforcement

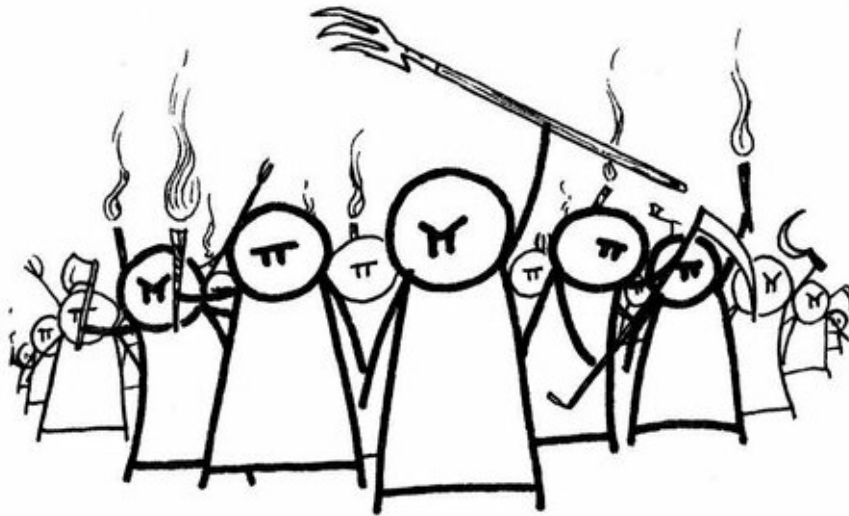
by Norm Steenstra

For the past couple of decades we've watched our state pass some pretty strong environmental legislation only to have them weakened by puny regulation and pathetic enforcement. The lack of political will to carry out the legislative intent by the last four governors is responsible for our current environmental messes.

Once again, it is a real concern as the legislature considers [SB 373](#)-The above ground storage tank bill. Real inspection and diligent enforcement is critical to the success of preventing such disasters in the future. It is more than ironic that the day before the ELK River spill our Governor blasted the US EPA in his State of the State address and said it was his job to reduce costs for coal mining. Let history never forget that Rep. Shelley Moore Capito, on the day of the spill, proudly voted to greatly weaken Federal water quality standards in passing the [Reducing Excessive Deadline Obligations Act](#). Even Natalie Tennant within minutes of the

President's state of the Union speech felt compelled to defend the coal industry and blast Obama's efforts to support renewable energy sources.

People disgusted over the Elk River mess; The DEP erasing the tonnage caps on landfills;



Mountain Top Removal; and the lack of monitoring radioactivity from Marcellus horizontal drilling waste have sparked a renewed WV-CAG campaign for increased enforcement on all environmental issues.

One of our longest and most generous members (who modestly wishes to remain anonymous) has issued the following challenge to fund WV-CAG's efforts to reverse this

culture of non-enforcement. Perhaps a working theme is it is not a "war" but a peace campaign that brings peace to our citizens by demanding diligent inspections and enforcement brings to our citizens: Our amazing friend has offered WV-CAG a \$5,000 cash donation and the pledge to match

YOUR donations to the effort up to \$20,000!! See Gary's inset for details – now is your chance to make your donations work twice as hard for progressive change in West Virginia.

Reversing a deep-seated state culture of environmental

non-enforcement is not an easy task, so the campaign will be a lengthy one.

Increased enforcement cuts across all environmental issues Mountain Top Removal, pollution from Marcellus drilling, chemical spills, solid waste and air quality are all involved. If you think I exaggerate the problem— here's what one other guy said this week.....

“They will cut corners and they will get away with it. Regulation is soft in West Virginia. It's always been soft.” ~Senator Jay Rockefeller

Moral March to WV American Water



Three-time Mountain Party Gubernatorial Candidate Jesse Johnson urges citizens to take back their government.

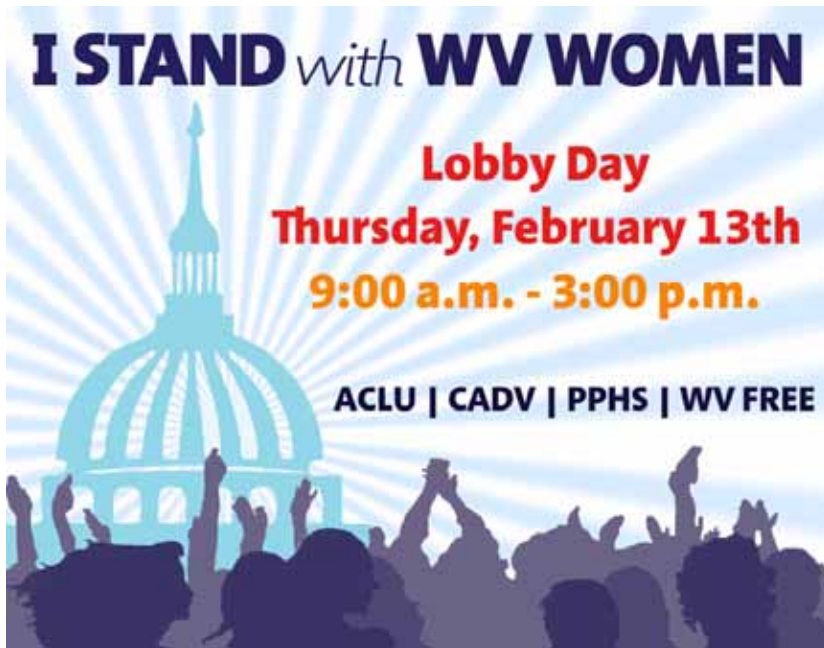
About 200 people joined members of OVEC, WV Citizen Action Group, NAACP, the local faith community and many concerned citizens marching to the West Virginia American Water Company on Court Street. There, we provided the water company with an invoice for the losses we experienced due to their negligence, including a piece of black licorice for a visual. Participants began the march by hearing motivational speakers at First Baptist Church. [The event](#), was held in solidarity with the [Mass Moral March](#) in North Carolina. West Virginia American Water is contracted to deliver safe drinking water to our citizens. Due to the shocking vicinity of to the distribution site to the chemical spill which took place last month, the company was unsuccessful in preventing unknown toxins from entering the municipal intake.



CAG Employee Brooke Drake facetiously jabs coal industry for their disturbing priorities.

February To-Do List						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
2	3	4 Kids and Families Day	5	6	7	8 Moral March to Invoice American
9	10 Housing and Transportation Committee Congressional Hearing	11	12	13 Women's Lobby Day	14 Day of Action: Water	15 Water Quality Monitoring Program
16	17 Environmental Lobby Day	18	19	20	21	22 Rain Water Harvesting Workshop

Upcoming Events



February 13: Women's Lobby Day

State Capitol

WV FREE's legislative agenda includes the Pregnant Workers' Fairness Act (HB 4284) and a clean water bill (SB 373). Schedule and registration [here](#).

February 14: Day of Action: Water ~ Love It or Lose it, 10am-3pm

State Capitol, Lower Rotunda

Citizens from all over West Virginia will demand that government heed the warnings of the big spill and make strong water law and strict enforcement a reality. Tickets for chartered bus from

Morgantown [here](#). Contact

outreach@marcellus-wv.com for more info.

February 15: Water Quality Monitoring Training Program, 10am-3:30pm

South Charleston Public Library, 312 4th Ave., South Charleston

Learn to conduct water quality monitoring in your area! Contact Jaimie Holmes at (304) 614-6699 or jholmes@tu.org for more information.

February 17: WV Environmental Council Lobby Day, 9am-3pm

State capitol

West Virginia Environmental Council is holding its Annual Environmental Lobby Day on Monday, February 17th. Join us at the WV State Capitol from 9am-3pm for our 24th Annual E-Day and in the evening for our Awards & Benefit Dinner from 6-9pm. If you would like to reserve a table for display, and have not as yet done so, contact Karen Yarnell: Karen.yarnell@fairmontstate.edu If you have brochures, handouts, signs, etc. please feel free to bring those.

Otherwise, join us between 9 a.m. and 3 p.m. for Citizen Lobbying, visit displays, press conference and rallying together as we advocate for a better West Virginia and protection of our environment. Go to tables located by the Robert C. Byrd statue for information and citizen lobbying. There will be a Press Conference at 12:30 p.m. WVEC encourages your participation regardless, even if you do not wish to have a display. See below for information on what our plans are for the day and evening. We hope to have a huge turnout this year!

The E-Day Benefit Dinner and Awards Ceremony will be held at the Woman's Club of Charleston, on the corner of Elizabeth St. and Virginia Ave. from 6:00 p.m. – 9:00 p.m. Awards will be presented at 7:15 pm

Kevin Smith (posthumously) ~ Mother Jones

Angie Rosser ~ Linda Schnautz Environmental Courage

Evan Hansen ~ Don Gasper Science in the Public Interest

Karen Ireland ~ Laura Forman Grassroots Activist

Entertainment will include live music by Marium Bria and Ammed Solomon as well as a performance by Jude Binder, accompanied by Andy Park and a poetry reading by Crystal Good. Donations of \$15 per person will be appreciated at the door and there will be a cash bar. Proceeds go in support of the WV Environmental Council's lobbying efforts. Please visit www.wvecouncil.org for more information.

West Virginia Citizen Action Group

1500 Dixie Street

Charleston, WV 25311

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"Action for a change."



We Need Your Support!

We can't do it without you!

Please renew your membership or send a donation.

Name: _____

Address: _____

E-mail: _____ Phone: _____

Here's my donation of: \$25 \$50 \$100 Other \$ _____

Clip and mail with your check to West Virginia Citizen
Action Group, 1500 Dixie St., Charleston, WV 25311 -

THANKS!

Donate quickly & securely at www.wvcag.org!