



# THE WEST VIRGINIA VOTER

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## CALL TO COUNCIL

Calling League members to come to State Council in Clarksburg. The Council will be held on Saturday, May 3, from 10:00 to 3:00 p.m., at Panera Bread in Clarksburg (intersection of I-77 and Rt. 50).

The purpose of State Council is to confer with other league members from around the state and to give guidance to the state board on program. A budget for the coming fiscal year will also be discussed and adopted. Each local league is entitled to 2 delegates in addition to the president. Any member may attend, but only delegates may vote.

If interested in attending, please contact Nancy Novak, [NNovakwv@gmail.com](mailto:NNovakwv@gmail.com).

## Proposed Budget 2014-2015

<u>Income</u>	
Member Dues	3,181.00
Reserves	3,788.00
Trust	1,800.00
<u>Other</u>	<u>198.00</u>
TOTAL	8,967.00

<u>Expenses</u>	
General Administration	1,170.00
Board/Administrative Comm.	1,550.00
National Convention/Council	1,500.00
LWV US PMP for MALs	837.00
VOTER	745.00
Educational	550.00
Position Support	565.00
Endowment Trust Expenses	50.00
<u>Stern/Lloyd Education Fund Grants</u>	<u>2,000.00</u>
TOTAL	8,967.00

## LIBRARY STUDY

By Carolyn Watson

The West Virginia league has recently published a new 9-page booklet, titled: "A Study of Public Library Financing in West Virginia."

The booklet offers an explanation of the current laws and rules which govern the funding of the state's 97 public library systems. Its purpose is to give league members the background to discuss the current state of funding in West Virginia. We hope to reach a collective decision about how we believe library funding in our state could be improved.

The WV Legislative Session concluded this year without passing a library funding bill, but the league may be able to address the subject at next year's Session.

### ABOUT THE STUDY

The WV Library Funding Study was a real challenge and collaboration. Karen Goff, Executive Secretary of the WV Library Commission, shared her 2013 report to the state legislators. It outlined the state laws, rules, and administrative regulations that dictate public library funding.

Historically, funding is supplied in four ways. The authorities that create WV public libraries determine the local funding they will provide. Library enabling agencies are county commissions, municipalities, or boards of education.

Other libraries rely on levies. Often the levy is for a combination of local services such as the library in cooperation with the fire or parks and recreation departments. These levies require a positive vote from 60 percent of the eligible voters and are often held on irregular years making it difficult to get a sufficient number of voters out for it to pass. The terms of the levy are every 3 to 5 years.

A third source of funding is through the State Library Commission. The Commission's Grants in Aid requires matching funds from the local libraries. In years of budget cuts, libraries struggle to make their match.

The fourth source is the "special libraries" in which eleven libraries receive(d) funding from local boards of education through the legislative process. *(Continued on page 2)*

## Library Study *(Continued from page 1)*

Not all libraries receive funding from all four sources causing an imbalance of funding among libraries.

The WV Library Commission suggested some alternative funding ideas to the state Legislators. These ideas are listed in the consensus questions in the booklet.

In summary, the study synopsis explains why public library funding is so inadequate, unpredictable and unsustainable, and suggests possible funding solutions.

Kudos to the committee members: Betty Barrett wrote the report and supplied the Glossary. Pricilla Hayden obtained information from the state Board of Education. Susan Watkins and Kathy Stoltz organized and simplified the consensus questions. Karen Lukens, Helen Gibbins and Nancy Novak were contributors. Judy Rule, Library Director for Cabell County edited the report. Many others contributed ideas, suggestions, and support.

A copy of the booklet is available at no cost by contacting Nancy Novak at [NNovakwv@gmail.com](mailto:NNovakwv@gmail.com), or 23 Valley View Circle, Vienna, WV 26105. Email is preferred.

Completed consensus questionnaires should be emailed to Carolyn Watson before October 15th at [libladyuw@yahoo.com](mailto:libladyuw@yahoo.com). The state board will analyze the questionnaires at the November meeting.

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## 2014 Legislative Update

### Status of Bills as of March 19, 2014

By Kathy Stoltz

The following is a sampling of the bills likely to be of interest to League members that were approved by both houses of the WV Legislature in the 2014 session. To view all 2014 bills passed, go to [www.legis.state.wv.us/](http://www.legis.state.wv.us/), click on the *Bill Status* tab and then on *Completed Legislation* in the column headed *2014 Regular Session*. Unless otherwise noted, the bills below await signature (or veto) by the Governor. Bills concerning environmental issues, including the Water Resources Protection Act (SB373), are noted in the Natural Resources article in this Voter. Bills concerning children and families can be found on page 3.

**Future Fund** SB 461 (a LWVWV priority) relates to creation of a Future Fund for conserving a portion of proceeds from oil and natural gas severance tax revenues for future expenditures on economic development, educational programs, and other purposes, anticipating the time when finite natural resources provide less income to the state. The bill was amended to apply to all severance taxes, amended so that money going into the fund will be less than in the original bill, and amended to delay the year in which money can be taken from the fund. Signed by Governor. More on page 3.

**Education** SB 252 allows certain expelled students to return to school through Juvenile Drug Court. Signed by Governor.

**Elections** SB 359 The purpose of this bill was to remove the hand canvassing requirements of electronic voting machines, while leaving intact the recount provisions. As amended, the bill reduces the requirement for hand count from 5% to 3% of precincts and allows a time period for developing a way to audit the performance of voting machines. Signed by Governor.

**Election Laws** HB 4473 increases the limit on the size of voting precincts to three thousand registered voters in urban areas and one thousand five hundred in rural areas, and makes other adjustments concerning precinct size, poll workers, and commissioners

**Teacher Pay** SB 391 provides salary increase for teachers and school service personnel.

**Reproductive Rights** HB 4588 prohibits abortion after twenty weeks post-fertilization except when the mother has a medical emergency; provides for civil remedies; creates misdemeanors and felonies; states legislative findings. Vetoed by Governor.

**Firearms** SB 317 limits the ability of local municipalities to adopt ordinances that restrict the sale or carry of a firearm. Exceptions that allow cities to ban guns from such sites as city halls, fairs and festivals, and municipal auditoriums are specified. Exceptions do not include parks, municipal swimming pools, and other places where children gather. Signed by Governor.

**Ethics Commission** HB 4298 changes the experience requirements of the composition of the members of the West Virginia Ethics Commission and reduces the size of the commission and changes its composition. Signed by Governor.

**Flood Insurance** SB 621 authorizes insurers to offer flood insurance in this state. Enforcement of the federal Biggert-Waters Flood Insurance Reform Act of 2012, including remapping of flood zones, has resulted in large increases in the cost of flood insurance for some property owners. This bill is intended to make more insurance options available to homeowners. Signed by Governor.

**Timbering** SB 357 relates to timbering and facilitates enforcement of the existing Logging Sediment Control Act. The bill adds another criminal penalty, "Failure to Reclaim," to give the agency another level of enforcement for timber operators who refuse to comply and leave the operation out of compliance. Signed by Governor.

**Air Quality** HB 4346 The purpose of this bill is to reduce carbon pollution and greenhouse gas production by establishing separate standards of performance for carbon dioxide emissions from existing coal-fired electric generating units; establishing separate standards of performance for natural gas-fired electric generating units. More on page 5.

Sometimes "died in committee" is good news. This was the fate of several **Voter ID** bills introduced again this session.

In the category of "We Needed a Law for This?" HB4335 passed, a new section of code which says the following: *The Legislature finds that breast feeding is an important, basic act of nurturing that is protected in the interests of maternal and child health. Notwithstanding any provision of this code to the contrary, a mother may breast feed a child in any location open to the public.* Signed by Governor.

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## SOME WINS, SOME LOSSES FOR COALITION

By Susan Watkins

Earlier in the year, the LWVWV joined a coalition called *Our Children, Our Future Campaign to End Child Poverty* and followed its legislative priorities during the 2014 session of the West Virginia Legislature.

The top five goals of the coalition were:

1. **Protect Funding for Family Support Programs:** Preserve funding for Family Resource Networks and Starting Points Family Resource Centers across the state.
2. **In-Home Family Education/Early Childhood Programs:** Implement a multi-year plan for statewide expansion of In-Home Family Education programs as well as other efforts to expand access to early childhood programs.
3. **Minimum Wage:** Increase the minimum wage and index to account for inflation through state legislation and/or accomplish a similar result by passing a State Earned Income Tax Credit.
4. **Move to Improve:** Ensure that children in K-8 get at least 30 minutes of physical activity a day during school.
5. **Future Fund:** Create a permanent mineral trust fund from a portion of severance taxes to provide a permanent source of wealth for WV.

Other goals included dealing with WV's substance abuse problem, increasing the tobacco tax and passing legislation requiring reasonable accommodations for pregnant workers.

First, the successes. Legislation increasing the **minimum wage passed** (HB 4283). The final bill phased in the increases more slowly than the original, providing a 25-cent an hour increase on Jan. 1, 2015; a 50-cent increase on Jan. 1, 2016; and a final 75-cent hike on Jan. 1, 2017.

A **Future Fund bill passed**, but the final legislation bore little resemblance to the bill championed primarily by Sen. Jeff Kessler. The original proposal designated that 25% of oil and natural gas tax revenue over \$175 million would be placed in a long-term investment fund to accumulate interest until 2020. The final bill designates that three percent of annual severance taxes collected on coal, oil, natural gas, limestone, and sandstone that would *otherwise be deposited into the General Revenue Fund* be placed in a Future Fund. Currently, about 86 percent of total severance tax revenues is deposited in the General Revenue Fund, nine percent is distributed to local governments, five percent goes into the Infrastructure Fund, and a very small fraction goes to administration. The final bill also stipulates that the Revenue Shortfall Reserve Fund (Rainy Day Fund) has to have a balance of at least 13 percent of the General Revenue fund before monies can be deposited in the Future Fund. This requirement means that no deposits would be made in FY 2015. (The WV Center on Budget and Policy has an excellent analysis on its website [wvpolicy.org](http://wvpolicy.org).)

**House Bill 4284 created the Pregnant Workers' Fairness Act**, prohibiting the discrimination of pregnant women in the workforce based on pregnancy, child birth and or associated medical conditions. The legislation would require employers to make accommodations for pregnant women that would allow a woman to take care of her health needs and complete the job at hand.

Now to the losses. Governor Tomblin's initial budget cut over \$960,000 from child abuse prevention, domestic violence and early childhood programs. The House restored these cuts and they survived the budget conference committee. However, Tomblin used the line item veto to slash funding for these programs, citing the \$147 million the Legislature used from the Rainy Day Fund to balance the budget. Family Resource Networks were cut by \$150,464; grants for Domestic Violence Programs and Statewide Prevention were cut from \$2.5 million to \$2.142 million; and Child Advocacy Centers lost \$200,000.

SB 455, the Move to Improve bill, passed the Senate, was approved by the House Health and Human Resources Committee and was sent to the Education Committee where it died.

A bill to fight the methamphetamine epidemic would have required that pseudoephedrine could be purchased by prescription only. It passed the Senate, but failed in the House. An attempt to increase the tobacco tax did not see the light of day.

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### Primary Election Voters Guide

Responses to the League's questionnaires for candidates for US Senate and House will be posted on [www.lwvwwv.org](http://www.lwvwwv.org) on or about April 24th.

Look for them under the Voters Guide heading.

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## NATURAL RESOURCES BILLS PASSED IN THE 2014 LEGISLATIVE SESSION

By Helen Gibbins

### WATER RESOURCES PROTECTION -- SB 373. League Supported.

In response to the Elk River chemical spill the legislature enacted SB 373. During the legislative process the legislators spent considerable time in discussing the bill. SB 373 provides for improvement to our water quality in several ways.

SB 373 adopts the Aboveground Storage Tank Act that will regulate above ground storage tanks with volumes greater than 1,320 gallons. The DEP will compile a registry of the tanks. The tanks are to have a leak detection system, a spill prevention response plan, and annual inspections of tanks in zones of critical concern. The DEP may assess fees to cover the cost of implementing and enforcing these regulations.

SB 373 requires the Bureau for Public Health to conduct a long-term study of health effects resulting from the Elk River chemical leak and to report back on its process and prognosis by the first day of 2015.

SB 373 provides for some new requirements on public water systems. WV American Water must install an early-warning monitor system for foreign substances. All water utilities are to create source water protection plans that, among the requirements, will be to list potential sources of contamination of the source water, to establish contingency plans to respond to spills, and to study the feasibility of adding a second water intake.

SB 373 also improves West Virginia's water use laws that track the withdrawal of large quantities of WV's waters. It adopts the State Water Resources Management Plan and lowers considerably the amount of water used that must be reported to the DEP.

Some criticisms by observers of the Act are: 1) WV agencies will generate the guidelines for implementing SB 373 rather than legislative spelling more of them out in the Act; 2) the restrictions on the public's right to know about chemicals is too broad; 3) there is no procedure for citizen suits when government fails to enforce the law or for forcing companies to comply with the law; 4) the Public Water System Supply Study Commission is to only consider the U.S. Chemical Safety Board recommendations rather than actually proposing adopting the CSB's recommendations. Previous spills in the Kanawha Valley brought forth recommendations from the CSB, but they have been ignored.

### DISPOSAL OF FRACKING WASTES

**HB 4411** increases the tonnage caps for seven commercial landfills in WV's northwest region that take drilling waste from fracking. If the landfill accepts drilling waste in a quantity over its previous cap, the drilling waste must be disposed of in

Separate cells from the municipal waste. HB 4411 is in response to the requirement of WV's Natural Gas Horizontal Well Control Act of 2011 that requires drill cuttings to be disposed of "in approved solid waste facility." The DEP must monitor the sites for radioactivity and conduct a study on leaching. A \$1 fee per ton will be charged with the first \$750 thousand collected to go to the study and the rest to be allocated to the repairing of roads impacted by fracking. A sunset provision states that after December 31, 2016, the landfills will revert to their original caps.

Some of the concerns with HB 4411 include 1) the municipal life spans of municipal solid waste landfills will be shortened (land fills are expensive to make and finding acceptable sites is difficult); 2) municipal land fills are not planned to handle the kinds of waste such as heavy metals, petroleum hydrocarbons, and radioactive materials that come from fracking; 3) the drilling companies should provide their own land fills; 4) mixing of fracking and municipal wastes during the interim before the separate cells are constructed can be hazardous.

Proponents of the bill point out that without legislation the fracking waste was unsupervised whereas land fills have strict lining requirements, leak detection systems, and groundwater monitoring wells.

### ENERGY EFFICIENCY—HB 2803. League Supported.

Integrated Resource Planning (also known as Least Cost Planning) passed the Legislature in the special session. According to Energy Efficient West Virginia H.B. 2803 requires electric utilities to "submit future electric generation plans to the WV Public Service Commission that include consideration of demand side energy resources including energy efficiency. The bill represents an agreement reached between WV electric utilities and our campaign."

**AIR QUALITY—HB 4346** establishes separate standards of performance for carbon dioxide emissions. According to the WV Environmental Council, 4346 is "an attempt to do an 'end-run' around federal attempts at reducing carbon dioxide emissions. It's sure to wind up in court."

### OTHER ENVIRONMENTAL NEWS

#### THE BUFFER ZONE RULE

On February 20, the U.S. District Court for the District of Columbia struck down a controversial 2008 rule that repealed the "buffer zone" that protected waterways from mining and dumping. The "buffer zone" was enacted back in the 1980s, but had never been strongly enforced. *(Continued on page 5)*

## Natural Resource Bills *(Continued from page 4)*

The Court ruled that the 2008 rule violated the Endangered Species Act. Even though the “buffer zone” rule is on the books again, to be effective the rule must be enforced.

### UPDATE ON REMOVING WV’S PRIMACY FOR ENFORCING SURFACE MINING LAWS

The LWVWV’s fall of 2013 VOTER included an article on the petition to the federal Office of Surface Mining to remove WV’s primacy for enforcing surface mining laws. The LWVWV had joined other organizations in this petition because of WV’s regulators inadequate enforcement of surface mining laws. The CARE (Citizen Action for Real Enforcement) campaign continues to gather signatures on its petition.

On December 30, 2013, the OSM told the CARE campaign that the agency will investigate five of our complaints as follows:

West Virginia **fails**:

- to address potential flooding impacts in the permitting process via Storm Water Runoff Analysis (SWROA);
- to issue SMCRA (the Surface Mining Control and Reclamation Act) violations where National Pollutant Discharge Elimination System (NPDES) violations exist;
- to regulate selenium pollution;
- to properly define impacted areas in Cumulative Hydrologic Impact Analysis (CHIA) that result in harm to watersheds;
- to require properly protective soil removal and reclamation measures for mining sites.



The state league occasionally has information to communicate to members. For example, if you would like to have your own copy of the candidate answers mentioned at the bottom of page 3, we will need to have your email address. We also send occasional action alerts and other league news by email. So keep informed by providing us your email address; we will not share it outside the league. Contact the Voter editor, [tbyler@suddenlink.net](mailto:tbyler@suddenlink.net).

## 2014 Election Dates

### Primary Election Day

Tuesday May 13, 2014  
Polls open 6:30 a.m. to 7:30 p.m.

### Primary Early Voting Period

April 30 —May 10, 2014  
Early voting is open during regular business hours at each county courthouse or annex. Early voting is also available each Saturday during the early voting period from 9:00 a.m. to 5:00p.m.

### Primary Absentee Voting

January 1—May 7, 2014 for uniformed and overseas voters.  
February 18—May 7, 2014 for all other absentee voters.

## ON THE NATIONAL FRONT

### Comprehensive Campaign Reform

The League joined with reform groups to ask Representatives to Co-Sponsor H.R. 270, the Empowering Citizens Act. H.R. 270 is the most comprehensive campaign finance reform legislation pending in Congress. It would end individual candidate Super PACs, repair the presidential public financing system, create a similar financing system for congressional races and strengthen the rules prohibiting coordination between outside spending groups and candidates.

### Immigration Reform

The debate over comprehensive immigration reform is now in the U.S. House of Representatives. After vigorous argument from both sides of the aisle on a path to citizenship for current immigrants, border security and other contentious issues, the Senate passed S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act on a strong bipartisan vote.

The Senate bill is not perfect, but we must move forward with reforming our broken immigration system. The League of Women Voters was founded upon the belief that our democracy is enhanced by a diversity of voices. Immigrants have helped weave the fabric and identity of our nation. It’s time to help those living in the shadows to become a part of our great nation; we believe that comprehensive immigration reform that includes a path to citizenship will strengthen our nation and society. **Go to [www.lwv.org](http://www.lwv.org) to take action.**

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Teresa Koon  
 Editor

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**JOIN THE LEAGUE!** The League of Women Voters is a nonpartisan organization that encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. **If you live in Cabell, Jefferson, Monongalia, or Wood County, please contact the local League in those counties.** To join at the state level, send a check or money order payable to LWVW to: Teresa Koon, Treasurer, LWVW, 4112 Coopers Creek Rd., Charleston WV 25312. Dues are \$40 for individuals, \$60 for a household, and \$20 for students. Because we are a lobbying organization, membership dues are not tax-deductible.

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