



THE WEST VIRGINIA VOTER

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PRESIDENT'S REPORT

By Nancy Novak

Born out of the long struggle to guarantee women the right to vote, the League of Women Voters has spent nearly a century helping shape our country's political and social history. As our democracy has grown and faced challenges, the League has grown with it.

To celebrate Women's History Month, the league put together a brief slide show of pictures from the archives. You are invited to look back at 96 years of our history. Check it out at:

<http://lwv.org/blog/celebrating-womens-history-month-pictures-our-archives>

STATE COUNCIL

League members from around the state will attend the State Council on April 16 at the Panera in Bridgeport. This is the yearly annual meeting of West Virginia Leagues. Board members will give reports and will adopt a budget for 2016-17.

NEWS FROM LEAGUES IN WEST VIRGINIA

The West Virginia League website, www.lwv.org is your source for news of local leagues around West Virginia. Here's a quick look at recent news:

Huntington is holding 3 meet-the-candidate evenings during the primary election and will have their Voters Guide in the Herald-Dispatch and online. Their annual dinner meeting will have a presentation called Our Water, Our Most Precious Resource.

Jefferson County is holding two candidate nights covering multiple candidates. Included are Board of Education, judges for Magistrate Court, Family Court and Circuit Court and Soil Conservation District Supervisor candidates.

Morgantown will have 6 levies on the Primary ballot, and the league will hold a public educational meeting about them. They will present two additional forums: one for candidates for the offices of Circuit Judge, Magistrate and Conservation District Supervisor. The other will be for Delegates, Senators, Sheriff and Prosecuting Attorney.

Wood County will host WVU-Parkersburg's new president at their annual dinner meeting at a local restaurant. Their Voters Guide will be published in the Parkersburg News, and they will host a candidate night for school board candidates.

2016 SESSION OF THE WEST VIRGINIA LEGISLATURE

By Kathy Stoltz

The LWVWV's 2016 legislative priorities were:

- Reforms of the WV tax system that are broadly based, rely on diverse revenue sources, provide an adequate, stable yield, and treat taxpayers equitably. (See Budget below)
- Strengthening disclosure requirements for the sources of political campaign expenditures, including independent expenditures and election-related communications. (See Election Laws below)
- Measures that encourage investment in energy efficiency in West Virginia's homes, businesses, and industries. (No action)
- Expanding the availability of services for people who need treatment for mental illness or substance abuse. (See Health Care below)

A total of 1896 bills were introduced, 1191 in the House and 705 in the Senate; 276 were passed, 138 each of House and Senate bills.

State Budget

With large shortfalls in both the current fiscal year's budget and the 2016-17 budget, the Legislature took a time out until the Governor calls them back for a special session, giving them time to figure out a way to end the current year in the black and balance next year's budget by the end of June. Tax increases requested by the Governor were not adopted, tax revenues are down, and no one could figure out a plan to make ends meet that was acceptable to both houses. They did act to sweep unspent funds carried on the books by some departments and agencies to make up a portion of the current deficit.

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NATURAL RESOURCES by Helen Gibbins

WV LEGISLATIVE SESSION - 2016

The LWVWV's Natural Resources priorities in 2016 included supporting energy efficiency and opposing rules that weaken environmental standards.

We supported LEEP, the Local Energy and Efficiency Partnership (WV-LEEP) for West Virginia. This program would allow for commercial property owners and small business operators to pay for energy efficiency upgrades through their local government. The local government would arrange for the funding, but the costs of the loan would be paid by the owner of the property from moneys saved in energy costs. (See Energy Efficient WV, for more information about the LEEP program.) SB 370 passed the Senate's Energy, Industry and Mining Committee, but was mired down in the Rules Committee so was timed out. Please talk to your legislators asking them to support LEEP next year. For more information about LEEP, go to the Energy Efficient West Virginia web page.

The WV DEP rules were bundled into HB 4053. The bill included weakening rules on West Virginia's aluminum and selenium water standards and above ground storage tanks, rules that we opposed; but the House of Delegates followed an interesting path on the last night. Somehow regulations of wood burning stoves became the issue of the night and HB 4053 was defeated. It is not known at this time if passage of the rules will be included in a special session of the legislature. Ken Ward of the Charleston Gazette-Mail wrote an entertaining description of the last night's floor debate. See the March 16 issue.

SB 625, a drinking water bill, passed the legislature. It says, "Disclosure is permitted on any location, characteristics and approximate quantities of potential sources of significant contamination within the zone of critical concern to the extent they are in the public domain through a state or federal agency." The code had been in conflict with what water utilities could share even though they had to involve the public in developing their Source Water Protection Plans.

SB 619, the "regulatory reform" bill passed and requires new rules to expire after five years, but exempts DEP rules from the sunset. It had included economic and health studies associated with the rules, but these two requirements were amended out. SB 619 includes a requirement that all rules must be reviewed to ensure they are not more stringent than their federal counterparts. Some rules do not have federal counterparts.

For more information on natural resources legislation go to the WV Environmental Council's, the WV Rivers Coalition, and WV Surface Owners' Rights Organization websites.

TRIENNIAL REVIEW OF WATER QUALITY STANDARDS

The federal Clean Water Act requires states to review their water quality standards every three years. In West Virginia, unlike most other states, the legislature will have to approve the WV Department of Environmental Protection's proposals; so we can expect disagreements in the 2017 legislative session on the protection of our waters as envisioned in the upcoming Triennial Review. The League and other organizations joined with the WV Rivers Coalition on submitting comments on the Triennial Review. Our comments recommend no changes to Category A (Drinking Water protection for the waters of WV) and add conductivity and bromide standards to WV's Water Quality Standards.

There will be more public meetings before the final recommendations are submitted by the DEP. If you wish to read comments from different individuals and organizations, go to the WV DEP website.

OTHER ACTION

The LWVWV joined with the LWVUS and other state Leagues in sending comments to the EPA's Science Advisory Board (SAB) in regard to the SAB's study on the effects hydraulic fracturing has on drinking water sources. The League's comments state that the research reported in the draft is not the comprehensive and definitive study Congress funded in 2010. The League requested that the Hydraulic Fracturing Research Advisory Panel urge the SAB to restore integrity to the final report and to the SAB's legacies by taking actions, as outlined in the League's statement.

DRINKING WATER

Reminder - In the aftermath of the Elk River spill the legislature passed a law that requires water utilities to prepare Source Water Protection Plans. The public is to be involved so contact your water utility to find out how to obtain the information on the proposed plans. Probably the plans will be on a website. In addition to the public meeting the utility schedules, the Bureau of Public Health will hold public meetings on the plans.

CALENDAR

April 16	LWV WV Council, Panera, Bridgeport, WV
April 22	Earth Day
May 10	WV Primary Election
June 16-19	LWV US Convention, Washington, DC

Continued from page 1—2016 Session of the WV Legislature

Election Laws

Several other tweaks were made to election laws and signed by the Governor. Bills passed specifying procedures for filling vacancies when a candidate withdraws and when there is a vacancy in a judicial office, necessary due to the change in judicial elections to the Primary Election. SB 591 allows the Secretary of State to use DMV information to assist in maintaining up-to-date voter registration rolls. HB 2588 requires that candidates file their financial reports electronically. This would make it feasible, but does not require, that information on campaign donors and spending could be made more accessible to voters. HB 4587 sets penalties for violations in handling of absentee ballots. Nothing was done to limit campaign donations or increase donor disclosure.

Early Veto Overrides

The following were passed early in the session, vetoed by the Governor, and his veto overridden by a majority vote in both Houses. SB 1, the WV Workplace Freedom Act (right to work), SB 10, Unborn Child Protection, outlawing except in a medical emergency what is often the preferred procedure for a second trimester abortion; HB 4005, repealing prevailing wage requirements; HB 4145 relating to carry or use of a handgun or deadly weapon (no permit needed by those over 21 to conceal carry).

Health Care

SB 338 details the compiling and maintaining of the Central State Mental Health Registry, specifying which mental health commitments disqualify one from obtaining a firearm (signed by Governor). SB 627 permits physicians to decline to prescribe controlled substances in certain circumstances (signed by Governor). HB 4463 allows the practice of telemedicine, establishing requirements and rulemaking authority (signed by the Governor). SB 431 regulates clinics that use medicines to treat opioid abuse (signed by Governor). SB 454 allows dispensing of drugs to reverse drug overdose without a prescription (signed by Governor).

Education

SB 400 cuts funding to the School Building Authority (signed by Governor). SB 146 modifies requirements for early childhood education programs (signed by Governor). HB 4014 prevents the State Board of Education from implementing Common Core academic standards and assessments (but allowing teaching that human activity affects climate change) (vetoed by Governor). HB 4175 eases the requirements on home schooling (signed by Governor). HB 4171 makes changes to the school calendar, including allowing accrued instructional minutes beyond the requirement to be used to make up for lost instructional days (vetoed by Governor).

Local Government

HB 4009 authorizes county commissions to propose creation of road construction project plans and details requirements (signed by Governor).

Ethics

HB 4604 establishes a deadline of eighteen months for the Ethics Commission to investigate and make a probable cause determination on a complaint; changing the burden of proof needed to show a violation of the Ethics Act to a clear and convincing evidence standard; and extending the statute of limitations for filing complaints alleging violations of the Ethics Act from two years to five years (signed by Governor).

Constitutional Convention Resolution

The Legislature adopted HCR 36, a resolution that calls for a constitutional convention of the states with the goal of adding a balanced budget amendment to the U.S. Constitution. The U.S. has never held such a convention and the scope of such a convention and the rules under which it would be conducted are unknown. WV is the 28th state of the 34 required to petition Congress to call a convention.

Other

The “Religious Freedom Restoration Act” (HB 4012) failed early in the session. As passed in the House, the bill nullified local anti-discrimination ordinances. The Senate passed an amended bill that allowed local anti-discrimination ordinances to remain in effect. With the chambers unable to reach a compromise, the bill died.

SB 6 requires drug testing of applicants for benefits from the Temporary Assistance for Needy Families Program (TANF) for whom there is reasonable suspicion of substance abuse (signed by Governor).

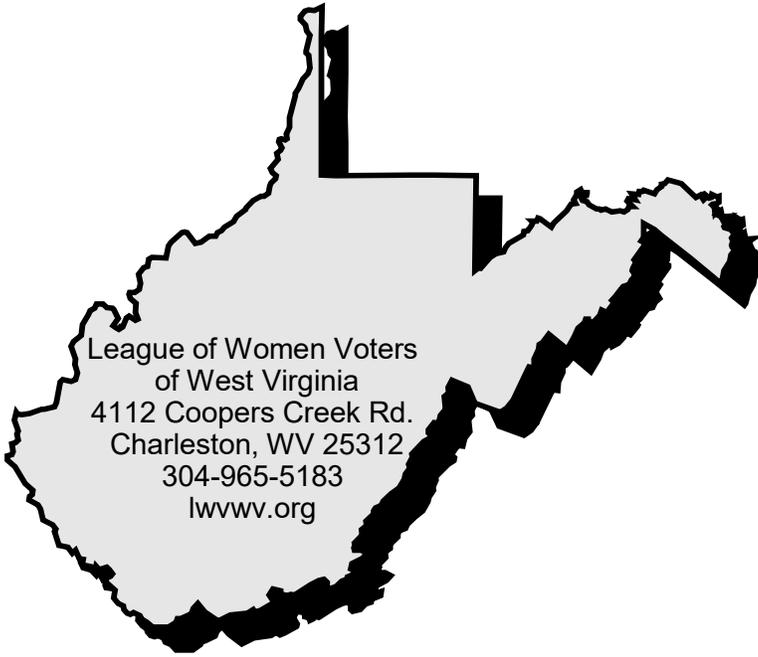
To read a bill or see its history as it went through the process, or to look up how particular lawmakers voted on it, go to the Bill Status section of www.legis.state.wv.us.

Clean Elections

There’s good news for the public financing program for Supreme Court of Appeals elections. Two candidates applied and were approved for the program. Another candidate challenged their eligibility based on technicalities concerning whether all their paperwork met deadlines. An appointed panel of judges (all members of the Supreme Court recused themselves) ruled that both had met the substance of the law and qualified for public financing. Apparently there is a need to improve clarity in the program’s rules, but it is encouraging that two of the five candidates are participating.

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Teresa Koon
 Editor

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 LWVWV to: Teresa Koon, Treasurer, LWVWV, 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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