



# THE WEST VIRGINIA VOTER

Published Semi-annually by the League of Women Voters of West Virginia

Vol. 60 No. 2 Spring

## PRESIDENT'S REPORT

By Nancy Novak

Whew! I am glad the Legislative session is over, and I'm sure you are too! I have sent out more action alerts than ever before, and members Helen Gibbins and Kathy Stoltz have also sent them. It remains to be seen the outcome of all our efforts. I will leave it to the next president and board to summarize the Legislature's new laws, since they are still deliberating at the time I am writing this.

At the State Convention, we will be electing a new state president, Jonathan Rosenbaum. Congratulations, Jonathan! There will also be two new state board members, Julie Archer (Sumerco) and Vicki Conner (Morgantown). Susan Watkins will be leaving the board. We thank her for an outstanding job as secretary and we wish her all the best.

It has been my privilege to be your president for the past four years. My time as president has gone quickly and I have had a great board to work with.

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## 2017 SESSION OF THE WEST VIRGINIA LEGISLATURE

By Kathy Stoltz

The LWVWV's 2017 legislative priorities were:

- Maintaining West Virginia's water quality standards to protect this valuable resource,
- Strengthening disclosure requirements for the sources of political campaign expenditures, including independent expenditures and election-related communications,
- Supporting measures that encourage investment in energy efficiency in West Virginia's homes, businesses, and industries such as the LEEP program,
- Maintaining expanded Medicaid coverage for the hundreds of thousands of West Virginians who rely on it for health care.

Our letter to legislators also said: The League opposes measures which would weaken protection of the environment. In keeping with its goal of encouraging participation by citizens in their government, the League will continue to monitor election laws and oppose measures which limit access to voting.

This legislative session would surely deserve a low mark on protecting the environment in general and water quality in particular. The LEEP program bill died again. They did nothing to improve disclosure of the sources of dark money that is flowing into the state's political campaigns. Medicaid coverage for thousands of West Virginians is in jeopardy. It took pressure from the outside to kill voter suppression efforts.

The list of bills below is by no means all-inclusive. A total of 2496 bills were introduced, 262 were passed. Most bills passed are still awaiting action by the Governor as of this report. To follow up on bills awaiting the Governor's action, to read a bill or see its history as it went through the process, to look up how particular lawmakers voted on a bill, or find bills on a particular subject, go to the Bill Status section of [www.legis.state.wv.us](http://www.legis.state.wv.us)

### State Budget

In a reprise of 2016 with some new characters in the cast, but pretty much the same plot, budget-making is a drama in progress with suspense and plot twists, the outcome not yet revealed. As of this report, both houses have passed a budget bill (**HB 2018**) and Governor Justice has vetoed it.

HB 2018 balances the budget by cutting \$110 million, mostly from DHHR and higher education, which have been absorbing cuts for several years, and by taking \$90 million from the state's dwindling Rainy Day Fund, dropping it below the level recommended by bond rating agencies. The governor's budget proposal has a variety of 'revenue enhancements,' including an increase in sales taxes, a B&O tax, and an added tax on high incomes. His budget includes funding for roads to be paid for by increasing turnpike tolls and DMV fees.

*Continued on page 2*

## **WV LEGISLATIVE SESSION - 2017**

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A special session will be called and some kind of compromise must be reached to avoid shutting down state government. The House has been adamant that it will not raise taxes. Last year taxpayers spent about \$600,000 on a 17-day special session to craft the 2016-17 budget.

### **Election Laws**

Assuming the Governor signs it, **HB 2781** will make a few changes to the **Voter ID/Automatic Voter Registration (AVR)** bill passed last year. As introduced, HB 2781 severely limited acceptable forms of ID to government-issued photo ID's and eliminated the AVR program. After a barrage of lobbying, the Judiciary Committee amended the lengthy list of acceptable forms of ID adopted last year and the AVR program into this bill. Provisions remain that move the effective date for the bill forward a year to 2019 and eliminate the requirement that information from those who decline to register will be sent to the Secretary of State. While the League would prefer no ID at the polls requirement, the amended bill was acceptable because it restored the liberal list of acceptable ID and kept the AVR program.

Other bills related to election laws include: **SB 255** (passed) specifies that a vacancy in an office must be filled by a person of the same party as the person vacating the office at the time he or she left office.. **HB 2319** (passed) requires reporting of fund raising events and contributions received by legislators during legislative sessions. **HB 2364** (passed) changes the distance from polling places where electioneering is prohibited during early voting periods from 300 feet to 100 feet. **SB 463** (not taken up) would have eliminated the public financing for Supreme Court candidates. **SB 584** (not taken up) would have established an independent commission for redistricting. **SB 539** (Passed the Senate but died in House Judiciary Committee) would have increased campaign donation limits but added nothing to disclosure requirements.

### **Health Care**

**SB 386** (passed) permits use of medical marijuana under certain conditions and in certain forms.

**HB 2002** (passed) changes the procedure by which an emancipated minor who seeks an abortion can obtain a waiver of the state's parental notification law from one where her doctor can obtain a waiver to one in which a waiver must be granted by a circuit judge.

### **Education**

**HB 2196** (passed) permits home schooled students to participate in sports and extracurricular activities at public schools under some conditions.

**HB 2711** (passed) is a wide-ranging education bill. It abolishes RESA's but allows county school systems to form cooperative groups to provide services, bans Smarter Balanced testing, makes changes to the school calendar requirements.

**HB 3080** (passed) establishes Celebrate Freedom Week in WV schools during which there must be education about the Declaration of Independence, the US Constitution, and the Bill of Rights.

### **Local Government**

**SB 441** (passed) expands the Home Rule option to all West Virginia Municipalities.

### **Library Funding**

**HB 2792** (passed) orders the Library Commission to make a study of the state's public libraries and develop a 10-year plan for construction and maintenance of facilities. This could be a step in achieving the League's goal of tax-based funding for public libraries in West Virginia that is adequate, predictable and sustainable.

### **Other bills of interest**

**HB 2646** (passed) terminates the WV Women's Commission and its functions.

**HB 3093** (passed) relates to expansion of broadband availability in unserved parts of the state, including authorizing the formation of co-ops to provide broadband service. (Large areas of WV do not have access to high-speed internet service that meets FCC standards.)

**SJR 6** (adopted) authorizes an election in 2017 on a \$1.6 billion Road Bond Amendment to the state constitution.

**SB 60** (died) would have put work requirements in place for recipients of SNAP (food stamp) benefits.

**SB 576** (passed Senate, died in House Energy Committee) Co-tenancy (forced pooling) deals with allowing recovery of natural gas and oil when not all of the rights owners have agreed to permit drilling.

**Environmental** bills can be found on page 4 and more on **Education** can be found on pages 4 and 5.

## NATURAL RESOURCES

By Helen Gibbens

### FEDERAL GOVERNMENT INITIATIVES TO REDUCE ENVIRONMENTAL PROTECTION

President Trump and Congress are using the Congressional Review Act (CRA) to remove rules issued by President Obama since last June. They have until May 9 to vote on CRA resolutions. The CRA prohibits “the executive branch from crafting a ‘substantially similar’ replacement rule, a standard that has never been litigated but some experts believe would apply to any rule on the same topic.” The resolutions can not be filibustered. Here are some of the environmental rules that have been removed.

- Stream Protection Rule that restricts coal mining operations dumping their wastes into streams.
- Requiring employers in hazardous industries to keep better records of on-the-job injuries.
- Preventing extreme hunting practices of predators such as killing bear cubs in their dens, hunting animals from airplanes, and luring animals with bait in federally protected wildlife refuges in Alaska.
- Requiring oil companies to disclose payments to foreign governments

Another environmental rule targeted for removal in this Congress restricts leaks and inefficient practices that cause methane pollution on public and tribal lands. (passed in the House). A list of other targeted rules can be found at <http://rulesatrisk.org/resolutions/> For more information, see “Trump’s Secret Weapon Against Obama’s Legacy” by Michael Grunwald. April 10, 2017. Politico.

In addition to using the CRA to remove rules, the president is issuing Executive Orders. According to *The Washington Post*, “An executive order is an official statement from the president about how the federal agencies he oversees are to use their resources. Executive orders do not require congressional approval and “derive their power from the Constitution, Article II” . However EOs are subject to court review.

Following are some of the executive orders issued by President Trump.

Executive Order on reducing rules - Agencies are directed to find regulations to eliminate. For every one new regulation issued, at least two prior regulations will be identified for elimination. The EPA opened up its docket for public comment through May 15 on regulations that it says should be repealed, replaced, or modified. Go to <https://www.regulations.gov/docket?D=EPA-HQ-OA-2017-0190>.

Executive Order on Climate Change - Suspend and review the Clean Power Plan which would reduce carbon pollution from power plants. Revoke measuring the social cost of carbon when making federal policies. Lift an Obama moratorium on mining coal on public lands. (The pause on coal leases was aimed at ensuring fair compensation.) However, because of Supreme Court decisions the EPA is still mandated to curtail climate change gases.

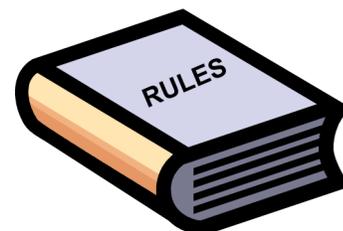
Executive Order on the 2015 Waters of the U.S. Rule - Review and reconsider the Rule which allows the federal government to regulate pollution in a vast number of rivers, streams, lakes and other waterways that flow into the nation’s major bodies of water. The EO does not immediately eliminate the measure. The Rule is still in the courts.

Watch for changes in fuel efficiency standards for cars and trucks. In March President Trump announced that his administration will re-examine federal requirements on this subject.

Rules take years to promulgate and the process is imbued with requirements. After Congress passes a law, the appropriate regulatory agency creates rules necessary to implement the law. The proposed rules are published in the Federal Register with allowance for public input. “For all regulations, a detailed cost-benefit analysis must be performed. Regulations with an estimated cost of \$100 million or more are designated ‘major rules,’ and require completion of a more detailed Regulatory Impact Analysis (RIA). The RIA must justify the cost of the new regulation and must be approved by the Office of Management and Budget (OMB) before the regulation can take effect.” (See “Thought Co.- Federal Regulations”)

In addition to removing rules President Trump is proposing to reduce the budget for the EPA by nearly a third; but Congress will also have a say in determining how much and where it appropriates funds to the EPA.

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## NATURAL RESOURCES

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### WV LEGISLATURE - 2017

The 2017 legislative session will be known for its success in weakening environmental protection.

**SB 687 (passed)** was a long bill related to coal mining, but it included a short paragraph that destroyed WV's narrative water quality standard. It deleted measuring the health and diversity of the food chain (macroinvertebrates) in the stream to determine the quality of its water and now relies on fish measurements.

**HB 2506 (passed)** changed the method for measuring water flow in our waters from a low flow to an average flow, thus allowing more toxics to be discharged into our waters. It also allows overlapping mixing zones.

**HB 2811 (passed)** further weakens the protections of the Aboveground Storage Tank Act (ASTA) by exempting tanks located out of zones of critical concern that store fluids produced by the fossil fuel industry. The WV enviros objected to these exemptions and did succeed in getting the legislature to retain the registry for the excepted tanks. HB 2811 exempts nearly 2,300 oil and gas tanks from regulation under the ASTA.

**SB 480**, LEEP, a no-brainer, was a bill that would have helped fund energy efficient commercial buildings. It established a process for paying for energy efficient upgrades funded by bonds paid for by utility savings. LEEP passed the Senate but died in the House's Government Organization Committee.

A few good bills passed the legislature. HB 2303 upped the fines for littering. HB 2935 establishes the State Flood Protection Plan Act, a Joint Legislative Committee on Flooding, and a State Flood Protection Council. The purpose of the ACT is to provide a comprehensive and coordinated statewide flood protection planning program to save lives and reduce or mitigate flood damage while supporting economic growth and protecting the environment.

### CLIMATE CHANGE - PUTTING A PRICE ON CARBON

Many of those who favor reducing climate change gases advocate setting a fee on carbon with the income to go back to our citizens. Recently the LWVUS held a webinar on this subject. You can access it by googling the LWVUS Putting a price on carbon.

## EDUCATION LEGISLATIVE UPDATES

By Shirley Rosenbaum

Public education weathered another challenging legislative session. Here are some of the key bills that PASSED during the 2017 regular session of the Legislature:

**House Bill 2711 (Governor Justice's education bill)** allows counties who add up to 30 minutes a day beyond 315 minutes for elementary, 330 for middle and 345 for high schools to use up to five days' worth accrued minutes to cover days lost due to bad weather and emergencies. It also would give counties five days or equivalent portions of days within the school calendar to be used exclusively for collaboration days, defined as "educator activities ... to improve instruction." The bill would allow schools to use "re-imagined instructional days," also known as snow-packet days, to achieve 180 days of instruction.

**HB 2711** allows for uninterrupted planning periods each day during which administrators may not require teachers to complete duties beyond instructional planning, such as administrative tasks and meetings. Also, the bill allows at least six two-hour blocks of time for faculty senate. After July 1, 2018, the bill will eliminate RESAs. There are several things the state Board of Education has already acted on: It eliminates the Smarter Balanced and does not allow Common Core standards in the future.

**House Bill 3080 (Declaration of Independence and Constitution curriculum)** says that appropriate instruction in social studies classes would be required about the Constitution and Declaration of Independence during "Celebrate Freedom week" on the week of September 11. This week would educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was formed.

**House Bill 2494 (school and school district report cards)** no longer requires county school boards to mail home school or school district report cards to parents or guardians. Instead, the report card must be made easily accessible to the public on a county board's website. If requested, it also must be provided in paper format to a parent, guardian or custodian.

**House Bill 2771 (Armed Forces spouses as teachers)** passed and would allow the spouses of active duty military service members who have an unencumbered certification as a teacher outside the state to be eligible for a one-year temporary teaching certificate. The certificate must be renewed annually.

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## EDUCATION LEGISLATIVE UPDATES *continued*

**House Bill 2542 (higher education personnel)** has been signed into law. It eliminates bumping rights based on seniority for higher education staff, as well as rights to recall, and says colleges should be allowed to incentivize job performance.

**House Bill 2195 (relating to requiring comprehensive drug awareness and prevention program in all public schools)** requires county boards to implement educational programs in drug prevention and violence reduction in grades K-12. The programs shall teach resistance techniques, life skills, and street knowledge to counteract the dangers of drug use and violence. It also includes a requirement to add at least 60 minutes of instruction in the subject of health education in any of the grade levels 6 through 12 as considered appropriate by the county board on the dangers of opioid use, the addictive nature of opioids and safer alternatives to treat pain.

**House Bill 2589** allows students in homeschools and private schools to enroll in county vocational schools.

More information on legislative bills may be found at [www.legis.state.wv.us](http://www.legis.state.wv.us).

### **Take Action to Protect West Virginia!**

The following is information provided by  
Protect West Virginia

West Virginia needs tax reform and a budget that works for working West Virginians. The so-called "compromise tax plan" - an amendment added to [Senate Bill 484](#) is not going to get us there. In fact, it would hit low- and middle-income West Virginians especially hard and set the state up for fiscal disaster, as the state's largest source of revenue - the personal income tax - is phased-out.

SB 484 would add \$115 million to our state's deficit after one year and lead to a tax increase for 80 percent of West Virginians, while providing a tax break for the wealthiest 20 percent in West Virginia.

West Virginia already has an upside down tax system that asks more of low- and middle-income earners. We should be working in the opposite direction and trying to turn this upside down tax system right side up.

Not only does SB 484 shift the tax load onto working West Virginians, but it fails to address the state's structural revenue imbalance, which is certain to lead to more budget deficits and cuts to vital services.

Key elements of SB 484:

- Phases out the state's personal income tax over 20 years, which is not only the state's largest source of revenue, but the only tax that is based on the ability to pay;
- Reduces the number of personal income tax brackets from five to three, with the highest bracket beginning at \$35,000 annually, providing the wealthy tax breaks at the expense of the working-class;
- Broadens the sales tax base to include personal services such as barbers and beauticians, telecommunications, personal fitness membership and service, electronic data processing, opinion research, and professional employer organizations (all at 7 percent) as well as mobile homes (at 6.5 percent).
- Activates Governor Jim Justice's commercial activity tax and high-income surcharge for three years;
- Provides two percent teacher pay raise;
- Increases the fuel tax by 8 cents and raises motor vehicle fees; and
- Drastically lowers the state's severance tax rates on coal and natural gas.

West Virginia needs common sense tax reform that rebalances the state's tax system while providing enough revenue to close the state's \$500 million budget gap and invest in the building blocks of thriving communities, such as schools, public colleges, transportation, and public safety.

Reach out to lawmakers and tell them West Virginia needs tax reform that works for working West Virginians, not against them.

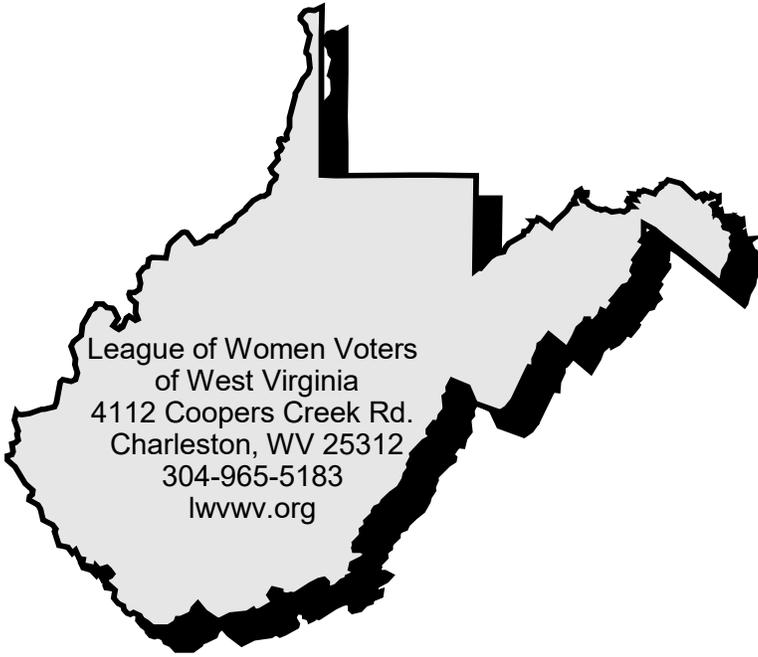
Visit [www.protectwv.org](http://www.protectwv.org) for more information.

## CALENDAR

May 5-6	LWV W Convention, Parkersburg, WV
May 26	LWV US Council 2017 registration deadline
June 22-25	LWV US Council, National Conference Center, Leesburg, VA

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Teresa Koon  
 Editor

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