



THE WEST VIRGINIA VOTER

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PRESIDENT'S REPORT

By Jonathan Rosenbaum

When I served as President of the League of Women Voters of Morgantown-Monongalia County (LWVMM), I would send out this message,

Every year the Board considers the recommendations from voting members at least six weeks prior to the Annual Meeting to formulate a proposed program as established by our Bylaws. Program planning is a valuable League tool for identifying issues for focus and for insuring that League resources, human and financial, are engaged where they have the most impact. Programs are the foundation we build on to advocate for positive change.

Until I reimplemented the defined planning process, it had more or less fallen into disrepair. Not uncommonly, organizations and Leagues do "transform" over the years, but, not necessarily in the ways that were expected. When LWVMM's Bylaws were written, Local Program Planning was a necessity because members had hundreds of issues they wanted to address, and it was imperative to whittle away all these interests to a program that was realistic and obtainable. However, these days, we are hard pressed to get any input at all. Every year, when the Board discusses our Program, we find ourselves actually questioning whether we even want to continue well-known programs like Local Government, Voters Service, Natural Resources, etc. Why? Because our volunteer capacity has become greatly diminished. It is the same people who have been around for years, who are doing too much, who can barely keep up anymore, and who are now ready to move on, but with no successors available to replace or even help them. Sad? Yes, very, and even more so for democracy.

Now you know in a nutshell where the League's motivation is coming from for the MLD (Membership and Leadership Development) initiative, and the more recent ongoing League-wide process for "transformation" over the next 100 years which I touched on in my previous report. **It is because of this lack of new and inspired replacement members** who will become our next educators, organizers, activists, leaders or more simply worded by the League's new mission statement, those members "Defending Democracy"!

Fortunately, LWVUS is already taking preemptive measures that may help. Recently, the New Student Member Initiative was announced that will waive student membership fees until January 31, 2021, if this initiative becomes successful it will become

a permanent part of LWVUS's Bylaws. I will encourage our state League to waive the fee accordingly when we discuss our proposed budget at the Council meeting in Morgantown on April 21. Will it help create the change we seek? We will soon find out.

At the Council meeting, you will not want to miss our special speaker, state board member, and LWVWV lobbyist, Julie Archer who will be discussing what transpired at the Legislature this year. You can be certain that there will be a healthy discussion about the "No Constitutional Right to Abortion Amendment" and how local Leagues can take action to educate the public before the November election. Councils are fairly mundane affairs occurring every other year between Conventions, however, this year's event is creating ripples because we are proposing to reduce the PMP, I will discuss what PMP is right now, but if you want to attend the Council to find out, please RSVP me at jr@lwvwwv.org.

In other news:

During February, Lyn Widmyer (Jefferson League), volunteer lobbyist for the League along with Volunteer Lobby Corps and Chair Emerita Carole Conors, visited Capitol Hill to speak to Rep. Jenkins, R-WV-3rd about "dreamers" and future immigration legislation. During April, Lyn will be educating senators from five states, including West Virginia, about the League's position on gun safety. If you are interested in joining the Lobby Corps, please contact me, jr@lwvwwv.org.

State Board member Kathy Stoltz provides a good synopsis about the 2018 WV Legislative Session in Wood Counties recent newsletter at <https://wood.lwvwwv.org/>.

The new WV Voter ID Law is now in effect. Several members from the State Board traveled to a stakeholders meeting in November. Since then Leagues across the state have been educating the public in creative ways, for instance, LWVMM has made arrangements with the local Transit Authority to put encouraging signs on buses.

To learn more about all the incredible things local Leagues in West Virginia are accomplishing this season, you should visit the website at <https://lwvwwv.org> (Huntington Area, Morgantown-Monongalia, Wood County) and <http://lwv-jcwwv.org> (Jefferson County). Remember to become actively involved at <https://chat.lwvwwv.org>, which is much better than Facebook because we are the Defenders of Democracy and non-commercial, which means your private data will never be sold or intentionally made accessible to third parties, plus there is an Off The Record Messaging option that provides end to end encryption for 2-person chat!

Two Constitutional Amendments Headed for the Ballot in November *Other Measures on the Judiciary, Women's Health Stall*

By Julie Archer

During the 2018 legislative session, legislators approved resolutions putting two proposed constitutional amendments on the November 6 general election ballot.

On the final night of the session, the House and Senate agreed to a compromise version of SJR 3, the **Judicial Budget Oversight Amendment**, which would amend the state constitution to give the Legislature oversight of the judiciary's budget. The amendment was proposed in response to a recent spending scandal involving extravagant renovations to the private chambers of the State Supreme Court justices.

After scrutinizing the language proposed by the Senate and coming to the conclusion that it did nothing to insulate the judiciary from politically motivated attacks, the House amended the resolution to include a procedural safeguard of requiring a super-majority (two-thirds) vote of the Legislature to reduce the judiciary's budget by more than ten percent from the previous fiscal year.

The Senate refused to concur with the House changes to the proposed amendment, and the compromise language that will go before voters says, *"the Legislature may not decrease the total general revenue appropriations to the judiciary ... to an amount that is less than eighty-five percent of the amount of the total general revenue appropriations to the judiciary in the most recently enacted budget without a separate vote ... approved by two-thirds of the members elected to each house."*

While some level of oversight is warranted in light of the Supreme Court spending scandal, this restraint on the Legislature will help discourage retaliation and protect the balance of powers between the legislative and judicial branches should the proposed amendment be approved by the voters.

When all is said and done, it's important to remember (as former Supreme Court Justice Richard Neely pointed out in an interview with Metro News last fall) that we aren't talking just about the Supreme Court, but the budget of West Virginia's entire judicial system, including the circuit, family, and magistrate courts, and that budgetary constraints imposed by the Legislature could affect their ability to effectively serve the people.

While the Judicial Budget Oversight Amendment will be decided by voters in November, another measure that would dramatically reshape our judicial system failed to advance in the House of Delegates. The State Senate had passed SB 341, which would establish an intermediate court of appeals between the level of circuit court and the State Supreme Court to hear civil appeals, appeals of workers' compensation claims, abuse and neglect cases and some other administrative appeals.

Fortunately, this costly proposal designed to drag out appeals to the advantage of parties with greater financial resources — delaying justice for West Virginia small businesses, consumers and workers — stalled in the House Judiciary Committee during the final week of the session.

In addition to SJR 3, the Legislature also approved another proposed constitutional amendment (SJR 12) that is being deceptively explained as an effort to take away Medicaid funding for abortion, but which aims to take away reproductive rights for women more broadly.

SJR 12, the **No Constitutional Right to Abortion Amendment**, would give the Legislature sole authority over abortion. Although the amendment targets Medicaid coverage for abortions for low-income women, it also opens the door for further attacks on the reproductive rights of all West Virginia women.

Here is an excerpt from the resolution: *"Nothing in this Constitution secures or protects a right to abortion or requires the funding of an abortion. The people retain the right through their elected state representatives and state senators to enact, amend, or repeal statutes regarding abortion, including but not limited to, circumstances of pregnancy resulting from rape or incest, or when necessary to save the life of the mother."*

The motivation for putting this issue on the ballot is to score points with religious conservatives in West Virginia. It is wrong and unconscionable to use women as political pawns! Our friends in the reproductive justice community are gearing up to defeat this extreme measure this fall, and you can sign up here to be involved in this fight for women's lives.

Although this atrocious ballot measure is moving forward, a bill (HB 4623) that would have punished and/or made criminals out of pregnant women struggling with addiction if/when they seek prenatal health care was defeated in the Senate Health and Human Resources Committee after passing the House of Delegates a week earlier.

Constitutional amendments require a 2/3 vote of each house to be placed on the ballot and a majority of voters' approval for adoption.

This article was previously posted on 3/16/18 on WV CAG's website.

2018 SESSION OF THE WV LEGISLATURE

By Kathy Stoltz

The 2018 Legislative session was marked by the work stoppage by teachers which brought thousands to the Capitol daily for loud protests while committee meetings and floor sessions proceeded in spite of the disruptions. One can only guess what fell by the wayside while this issue was dealt with. Teachers went back to work when a 5% raise for all state employees was agreed to, PEIA premiums were frozen for a year, and a commission was formed to address the future of PEIA was formed. Our teachers are still among the lowest paid in the nation.

For the first time in memory, a budget bill was adopted on the final day of the regular session, eliminating the need for a special session. It also meant that the budget was passed before the usual flurry of passing bills late on the last day had taken place. The final bill did not include the \$58 million in revenue the Governor added to pay for the pay raises, instead making broad cuts. If the optimism about revenues turns out to be justified, legislators said they can always “backfill” those items during the 2019 session. The Governor has signed the budget bill.

In addition to continuing to monitor election laws and oppose measures which limit access to voting, the League’s priorities for the 2018 session were to support:

Strengthening disclosure requirements for the sources of political campaign expenditures, including independent expenditures and election-related communications.

Several bills were introduced that related to regulating campaign contributions, disclosure of donors and sources of ‘dark money’, and sanctioning publication of false information, but none was taken up in committee.

Establishment of an independent commission to draw up redistricting plans for representatives to the US House of Representatives and the WV Legislature.

SB 54 would have created an independent commission, but was not taken up. HJR 6 & HJR 110, proposed constitutional amendments, would have allowed citizens to participate directly in the formation of legislative districts by creating a nonpartisan citizen commission which would hold public hearings around the state and present a redistricting bill to the Legislature. Neither was taken up.

HB 2383 provided for the Joint Committee on Government and Finance to propose redistricting plans. That provision was removed in committee. The amended bill contained a list of the factors which could not be used in redrawing districts. Although it did not create an independent commission, codifying those criteria would have been

an improvement, and the House Judiciary passed it out with a “do pass” recommendation. It made it to second reading on Special Calendar but then was moved to the Regular Calendar, where it died.

Maintaining expanded Medicaid coverage for the hundreds of thousands of West Virginians who rely on it for health care.

The adopted budget cuts \$10 million from Medicaid funding. Assurances were offered that there usually has been excess money in Medicaid so it likely will not run out of money. If needed, the Legislature could make a supplementary appropriation in 2019.

The following priorities relate to environmental concerns and are covered separately by Helen Gibbins on page 6.

Measures that encourage investment in energy efficiency in West Virginia’s homes, businesses, and industries such as the LEEP program. Maintaining West Virginia’s water quality standards to protect this valuable resource.

Two Constitutional amendments will be on the November General Election ballot. See Julie Archer’s article on page 2 for background on the amendments.

Other bills of interest to the League:

HB 4002 (passed and signed by Governor) requires creation of 100 single member districts for the House of Delegates. In 2020 the state will be divided into 100 individual House of Delegates districts. WV is one of ten states with multi-member districts. Currently 53 of the 100 delegates are elected from multi-member districts.

HB 4001 passed and was signed by the Governor despite much opposition. It affects eligibility requirements for SNAP benefits (food stamps), primarily requiring that able bodied recipients without dependents must work, volunteer, or attend job training/education for at least 20 hours a week. Opponents argue that there are areas in WV where opportunities for fulfilling these requirements do not exist. In a pilot project in nine counties, the number of SNAP recipients was reduced, but there was no increase in employment.

HB 4006 (passed and signed by the Governor) eliminates the Department of Education and Arts. This department currently administers a variety of educational and cultural programs, including Public Broadcasting, the Library

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2018 WV LEGISLATURE

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Commission, rehabilitation services, and many others. The bill redirects some programs to other departments, some become independent under the Executive branch.

HB 4268, the Co-tenancy Modernization and Majority Protection Act, passed and was signed by the Governor. The bill describes the process by which access to mineral tracts for development can be obtained when not all of the owners agree to lease their land, or not all of the owners can be found. The developer must have agreements with at least 75% of the owners and must pay royalties to the non-consenting owners.

SB 244 (passed and signed by the Governor) amends state code to clarify the code regarding possession of deadly weapons on educational facilities to state that it is unlawful to possess a firearm or any other deadly weapon “At a school-sponsored function that is taking place in a specific area that is owned, rented, or leased by the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring.”

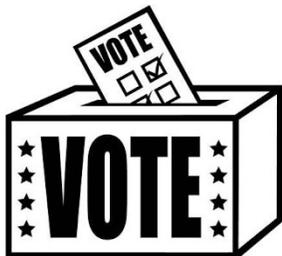
HB 4187 (passed and signed by the Governor) means that whoever controls a property cannot prohibit an employee, customer, or invitee who is in legal possession of a firearm from entering their parking lot, provided that the weapon is in a locked vehicle or the weapon is otherwise secured in or on the vehicle.

HB 4447 and **HB 4629** deal with expanding broadband access in the state. Both passed and were signed.

HB 3004, which requires that a vacancy in office be filled by a person of the same party as the office-holder vacating the office at the time the vacancy occurred, passed and became law without the Governor’s signature.

Among the bills that **did not pass** were **SB 39** which would have created a Sexual Assault Victims’ Bill of Rights, **HB 4281** prohibiting civil rights violations based on gender identity or sexual orientation, **HB 4345** implementing the medical marijuana bill that passed in 2017, and **SB 270** permitting logging in

state parks.



NATURAL RESOURCES 2018 WV LEGISLATURE

By Helen Gibbins

TIMBERING IN WEST VIRGINIA’S STATE PARKS

SB 270 that would have allowed timbering in WV’s state parks energized opposition from many folks who usually do not participate in the legislative process. For over 80 years commercial logging in West Virginia’s State Parks has been banned. Our state parks are well known for its “Wild and Wonderful” reputation and even with limited logging the end result would be some sedimentation of their waters and destruction of their inherent values.

After the introduction of SB 270 the SOS Parks (Save Our State Parks citizens group) quickly organized to combat SB 270. The group reached out to naturalists, sports persons, professional foresters, citizens who live near state parks, former state officials, and the general public. A petition garnered many signatures. Hikes to find old growth trees attracted hikers even in the midst of winter weather. Comments in newspapers all over the state highlighted the importance of our state parks and the need for their protection. When the bill was amended to establish a pilot program to harvest trees only in Watoga State Park, SOS Parks reached out to those who live near Watoga. Those residents came out in force to register their opposition to timbering in Watoga.

Citizens and lobbyists attended the Senate’s Natural Resources Committee meetings and talked with the committee members. Thanks to all of the efforts the bill did not come out of the committee.

One of the reasons timbering was proposed is that the state parks are in dire need of funds for rehabilitation and maintenance. SB 438, passed and signed by the governor, will authorize the issuance of bonds to fund improvements at state parks, funded by an increase in allocation to the State Park Improvement Fund from the State Excess Lottery Revenue Fund.

The needs of the state parks are much larger than the income from the bonds so SOS Parks will continue to work with agencies to find solutions to those needs. We are also promoting more appreciation of our state parks by West Virginians and other tourists. See the WV Environmental Council’s website for a list of outdoor events at our state parks. www.wvecouncil.org

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TAXATION and the 2018 LEGISLATIVE SESSION

By Vicki Conner

There were 160 bills introduced in the 2018 Legislature that dealt, in one way or another, with taxation. The primary focus of the 2018 Legislature in terms of tax reform was reducing **the business inventory tax**. This is a tax on business equipment and inventory, and proponents of reducing or eliminating this tax said it was a major hinderance to getting new business into West Virginia. The proposed plan would reduce the tax gradually over 7 years or about \$20 million per year for a total of \$140 million. This effort, despite its level of support, did not succeed. The tax-related bills that did pass are listed in the chart below. All but SB 141 were signed by the Governor, which was vetoed by the Governor.

<u>HB 4626</u>	Relating to West Virginia innovative mine safety technology tax credit act. <i>Added new technologies that will be included in list to receive tax credits.</i>
<u>HB 4522</u>	Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor <i>The Tax Commissioner may enter into written agreements with other agencies of this state, to share certain tax information</i>
<u>HB 4529</u>	Relating to oath by municipal official certifying list of delinquent business and occupation taxes <i>Amended an ordinance to include a specific oath to be taken by the person who publishes a list of people who are delinquent in paying B&O taxes</i>
<u>SB 441</u>	Relating to health care provider taxes <i>Extends by 3 years a tax that acute care hospitals pay into the Medicaid fund. Now runs thru 2021.</i>
<u>SB 461</u>	Extending time to file petition for motor fuel excise tax refund <i>This is confusing, but has to do with companies who feel they are due a refund on taxes paid for certain purchases or losses of fuel, and how long they have to file for the refund.</i>
<u>SB 141</u> VETOED	Expanding county assessment and collection of head tax on breeding cows <i>Expand the county assessment and collection of a head tax to include breeding age sheep and goats as well as cows if the owner participates in the Coyote Control Program</i>
<u>SB 427</u>	Modifying form of notice for certain tax delinquencies <i>Identifies certain situations where the SOS can notify delinquent tax payers by first class mail rather than certified/registered mail.</i>



NATURAL RESOURCES *continued from page 4*

WATER QUALITY STANDARDS AND POLLUTION LIMITS

SB 290, the “Stormwater, Netting and Permitting Act of 2018” passed the legislature with improvements suggested by the WV Rivers Coalition. The law allows for water pollution control permits to be adjusted to “reflect credit for pollutants in the permittee’s intake water (net limits).” It also refers to standards for storm water control. The environmental community will monitor and make comments on the development of the rules to administer the new law.

DRINKING WATER PROTECTION

One of the League’s goals is to improve the protection of WV’s drinking water. The League and other environmental organizations asked the governor and legislative leaders to include in its legislative platform the implementation of the recommendations of the WV Public Water System Supply Study Commission.

Unfortunately the legislature did not respond to our pleas. One of the recommendations would have required notice to downstream water utilities of violations of upstream permitted facilities. We also supported adequate funding for source water protection programs.

LEEP

Another one of the League’s priorities was to pass the Local Energy and Efficiency Partnership (LEEP) program. According to Energy Efficient WV the bill failed in the House Government Organization Committee because the discussion was “based on a faulty understanding” on how LEEP would work even though 1,000 letters were sent to the Capitol about LEEP.”...”LEEP is an innovative way for commercial property owners and small business owners to pay for energy efficiency upgrades. Funding is provided or arranged by a local government for 100% of a project’s costs and is repaid with an assessment over a term of up to 20 years.” See EEWV’s website for more information.

LWV WV and NEW VOTER ID LAW

By Kathy Stoltz

The League participated in a meeting in November 2017 convened by Secretary of State Mac Warner to hear suggestions and enlist cooperation in educating the public about the new voter ID law that went into effect January 1. Along with the many other groups represented at that meeting, local Leagues will be working to inform voters about their

options for providing identification at the polls in 2018 elections.

With the passage of SB 548 and signature of the Governor, the Secretary of State is required to convene a HAVA (Help America Vote Act) Advisory Board to give guidance on the state’s HAVA plan, which will then have a public comment period and a further review by the Advisory Board. The League will be represented on this panel.

STATE COUNCIL TO BE HELD IN MORGANTOWN APRIL 21, 2018

By Jonathan Rosenbaum

State Council 2018 will be held on April 21, from 10am - 3pm at Morgantown Public Library in the upstairs conference room. Councils are held in the interim years between Conventions primarily for the adoption of a budget for the ensuing fiscal year. This year’s Council is generating significant interest because the Board is proposing lowering the Per Member Payment (PMP), as a bonus, recently the Board of LWVUS announced they are waiving student PMP until January 31, 2021.

The Council is composed of the presidents of the local Leagues or an alternate in the event a president is unable to attend, and two delegates chosen by each local League, and one delegate from the state board. Normally, Council is held first thing in the morning, but because several interested participants have indicated they will not be able to attend until the afternoon, this includes some people traveling a long distance as well as some LWVMM members tabling voter registration at the Farmers Market, the Council will commence at 1pm.

The morning session will be a normal Board meeting which will include interesting Portfolio reports and discussion. Lunch will be held from 12 noon - 1pm. Meals will not be provided, but you are encouraged to bring your own lunch or visit one of Morgantown’s excellent nearby restaurants. After Council, the remaining time will be devoted to Legislation, beginning with special speaker Julie Archer, state board member, and LWVWV lobbyist presenting what transpired at the Legislature this year.

Parking is available in the Spruce Street Parking Garage, which is across the street from the Library.

Please RSVP (jr@lwvwwv.org) if you are planning to attend.

NON LEGISLATIVE ADVOCACY FOR A CLEAN ENVIRONMENT

By Julie Archer and Helen Gibbins

PROPOSED REPEAL OF THE CLEAN POWER PLAN

On November 28 and 29, the EPA held hearings at the State Capitol in Charleston on its proposal to repeal the Clean Power Plan (CPP). Helen Gibbins and Julie Archer prepared comments on behalf of the LWVWV, which emphasized both the health and environmental benefits of the CPP. Julie read the comments at the hearing and they are available on our website. Vicki Conner and Barbara Brown also attended the hearing, as well as the People's Hearing for Healthy Communities organized by the Sierra Club.

SHALE & PUBLIC HEALTH CONFERENCE

Julie Archer attended the 2017 Shale & Public Health Conference hosted by the League of Women Voters of Pennsylvania in Pittsburgh on November 13. A major topic of the conference was the public health impacts of an ethane cracker and petrochemical development. In June of last year, Shell Chemical announced plans to develop a cracker plant in Beaver County, PA about 30 miles northwest of Pittsburgh. Of particular concern, is how the facility, which will have significant emissions of volatile organic compounds (VOCs), will affect air quality. VOCs are a broad class of chemicals that help form ground-level ozone, or smog, which can exacerbate asthma and other lung problems.

Videos and other resources from the conference are available here:

<https://shalepalwv.org/2017-shale-public-health-conference/>

West Virginia officials are hoping the creation of a regional ethane storage hub and a recent memorandum of understanding the state signed with China Energy will help spur development of the petrochemical industry here.

Other LWV WV Comments on Environmental Issues

West Virginia's environmental organizations are active in monitoring water quality regulations. Here are some comments coordinated by the WV Rivers Coalition that the League signed on to.

Opposition To Mountain State Carbon Facility

Variance. The permit fails to meet the Ohio River's designated uses and would contribute to algal blooms. Also the company's high levels of mercury effluent are a hazard to

source water for drinking water utilities.

Mountaineer XPress Pipeline's and Atlantic Coast Pipeline's Stormwater and Sediment Control Permits which are supposed to regulate polluted runoff. The applications for the permits lacked critical information. (See the March "Highlands Voice" for more information on pipelines in West Virginia.)

Chesapeake Bay Program. The group thanked Senators Manchin and Capito for working to maintain funding for the Chesapeake Bay Program. West Virginia cooperates with other states in the clean up of the Chesapeake Bay. The Trump administration had advocated for substantially reduced funds for the CBP, but the 2018 budget maintains the program at last year's level.

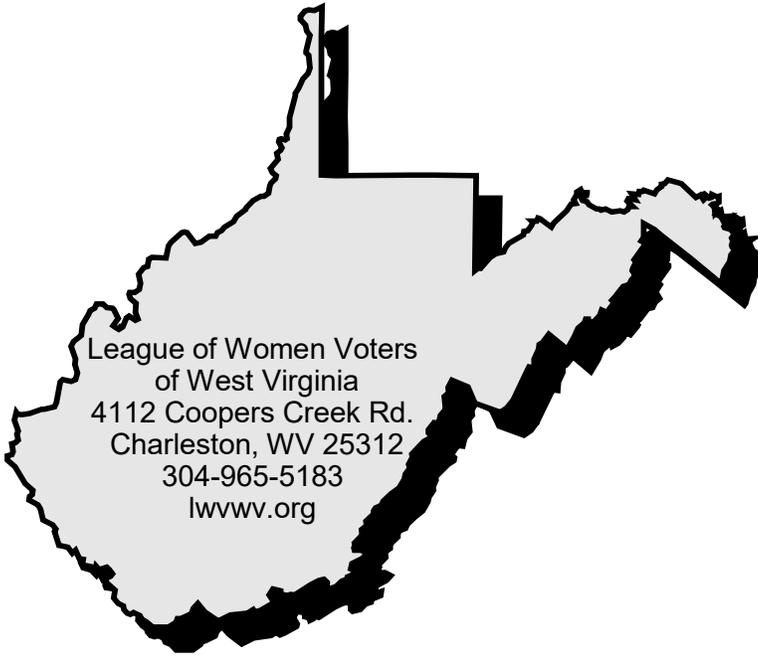
The League also sent comments to ORSANCO opposing its proposal to eliminate its water quality standard-setting process and enforcement of the standards. The various states that belong to ORSANCO set different water quality standards. ORSANCO needs to have common standards for the effluents disposed of in the Ohio River.



LWV WV Board Member Vicki Conner at CPP hearing in Charleston. With Barbara Brown.

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Teresa Koon
 Editor

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