



West Virginia Environmental Council's

Green

Legislative

Wrap Up

Published At The Conclusion of West Virginia's Legislative Session

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Under the Dome

By Donald S. Garvin, Jr.
WVEC Legislative Coordinator

The Last Week – Meltdown

The hallmark of the 2003 session of the West Virginia Legislature was the total absence of political leadership “under the dome.”

The filibuster of the final hour of the final night in the Senate was merely the culmination of a legislative session totally lacking in vision and direction (i.e., *leadership*) from either the executive or legislative branches of our government.

On the legislative side, there obviously ARE two political parties in the state, but they are not the Democrats and Republicans. They are the House and the Senate! And each seems to bear a distinct hostility toward the other. In fact, the leadership of each body seems to relish finding ways to “stick it” to each other.

For example, shortly after 8:00 p.m. on the last night of the session the House passed overwhelmingly a brand new version of an ATV safety bill (several different versions had previously been defeated by one body or the other). *Stick it to the Senate, boys.* The Senate never took the bill up for consideration. *Stick it to the House, boys.*

As for the executive branch, well, the Governor just didn't seem to be around this session. In his State of the State address he listed the problems the state is facing, and then just passed the ball off to the legislature. *Here you go, boys and girls. You fix it!*

And then the good Governor (and his staff) basically just disappeared. The administration seemingly didn't even “lobby” its own bills. Therefore, the Governor's own Reorganization Bill, which would have

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Water Bills: One a Floater ~ One Flushed

By Rick Eades

SCR 27, to establish an interim water policy study, PASSED. The House passed the Senate resolution to study WV water quantity laws. The resolution will produce an interim committee, with 6 members from each the House and Senate.

A task force will be created to report monthly to that committee – with members from industry, agriculture, tourism, state agencies (DEP, DNR, and PSC are expected to participate), possibly the Attorney General's Office, and whatever representation environmental groups or citizens can provide.

In premise, legislators could produce great policy and new water quantity protection law. But, this study provides no guarantee that West Virginia will in fact protect its water resources. Depending on the make-up of the interim committee and task force, the outcome could be highly questionable – not to mention whatever happens in DC with our visionary President and international requests to open U.S. water markets.

How do you think the chamber, coal industry, timber interests, the agricultural community and others (such as WV-American Water, now owned by German parent company RWE/Thames) will embrace the following policy issues or provisions, and see that they are directly or indirectly enabled by new law?

- Water conservation – strict measures on various users, and possibly public facilities, that would theoretically reduce RWE's sales and profits.
- Registering and permitting water withdrawals - done in all but 4 states east of the Mississippi.

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Session Ends, Therapy Needed

A brief summary of environmental legislation in 2003 WV Legislature

Passed

HB 2528 - Flood task force, good multi-agency group, bill **passed**
HB 2603 – All DEP environmental rules, and flood rules, **passed**
HB 2870 - Power plant siting bill that reduces siting hurdles **passed**
HB 2881 - Coal surface mining bill Rahall Amendment correction, **passed**
HB 2882 - Mining penalties and appeals loophole corrected, **passed**
HB 2961 – WVEC School Bus "Turn-It-Off" bill, **passed**
HB 3155 - Confidential Business for Polluters, **passed**
SB 590 – Senate companion bill for WVEC "Turn-It-Off" bill **passed as HB2961**
SB 583 – Overweight coal trucks - **Really Bad!!** bill, **passed**

Died

HB 2493 – Del. Caputo's good coal truck bill, **died**
HB 2833 – Timber landowner notification, **died**
HB 2880 - Underground tank fee (increase to enhance leak prevention) bill, **died**
HB 3033 – Medical Monitoring bill, **died**
SB 144 – "Flood Thy Neighbor" **died**
SB 602 – Timber landowner notification, **died**
SB 631 – Dumbed down fast-track mine permitting bill, **died**
HB 2717/SB214 – Replace EQB with new Water Quality Board, **died**

To be Continued...

HB 2956/SB480 – To gut mining regs died, replaced by SCR 46 to study all mining regs and compare to federal standards during interims

EQB Survives Assault

Numerous attempts by the Farm Bureau and other members of the now infamous "Dirty Water Coalition" to replace the Environmental Quality Board's role in setting state water quality standards with a new and highly political Water Quality Board failed this session (HB2717/SB214). The Farm Bureau continued its effort right up to the last day of the session, making life interesting for us even in the final hours.

However, in the end the Senate failed even to pass the House resolution calling for a study of EQB during this year's interims. Perhaps we can thank Senator Vic Sprouse for his filibuster after all!

King Coal Comes Up Short

While the coal industry did manage to throw its weight around this session (see Julie Archer's coal trucks article on Pg. 7), the industry's attempt to gut all mining regulations they considered "more stringent than" federal requirements (HB2956/SB480) was so laughable that it did not even make it out of the extremely pro-coal Senate Energy, Industry and Mining Committee!

Unfortunately, we are stuck with SCR 46, a resolution to study all mining regs during interims that will keep the phrase "no more stringent than" on legislators' lips for the next year. However, this is also OUR opportunity to document how the WV coal industry has failed historically, and continues to fail, in complying with federal mining laws.

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Legislative Wrap Up welcomes letters, articles, and art work from readers and reserves the right to edit or reject submissions. Please send materials to the editor (preferably on disk or e-mail) to:

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We Are Ahead of the Curve!!!

By Allan S. Tweddle



"Artists For the Environment"

Saturday ~ April 26, 2003

Perfater Law Office Building Lobby

1311 Virginia Street East ~ Charleston, WV

1:00 pm ~ 7:00 pm

In celebration of **spring** and **Earth week**, WVEC presents: "**Artists For the Environment**" ~ an event featuring works of art by artists from around the state. All art forms are included: visual arts (drawing, photography, sculpture, pottery, painting, mixed media, textiles, etc.); poetry; writing; music; theatrical and dance.

The West Virginia Environmental Council has several artists as members who have consistently supported WVEC environmental efforts over the years.

This event is an opportunity to feature various works by these artists and express our connection to the environment in a creative way ~ while offering WVEC a great fun(d)raising venue at the same time!

Highlights include:

- Raffle Drawing of Mark Blumenstein sculpture
- Live Music by Michael Lipton, Ammed Solomen & others
- Silent auction of various artwork & eclectic items
- Artists selling their wares ~ Lots of interesting pieces!
- Poetry Readings
- Select Readings by authors
- Dance performance by Jude Binder
- Chair massages
- Selection of healthy refreshments & decadent goodies!
- West Virginia wine and Home-brew beer

Please join us on this day!

If you would like more information, or are interested in participating, please call the WVEC office (304 346-5905) and ask for Denise Poole, or e-mail: deniseap@earthlink.net.

A minimum of \$1.00 suggested entry fee donation is all we request! Of course, you will want to spend lots of \$\$\$\$ on those special treasures and delicious creations!

EPA Administrator Christine Todd Whitman was scheduled to kick off a clean school bus summit—Clean School Bus USA—last Monday in Washington, DC. Whitman called it “Tomorrow’s buses for today’s children.”

The EPA Advisory (thanks to Vivian Stockman at OVEC) states: “The campaign seeks to reduce children’s exposure to diesel exhaust across the country by encouraging policies and practices to eliminate unnecessary school bus idling, installing emission control systems on newer buses, and replacing older buses...”

The announcement continues: “This goal will be achieved through partnerships with business, health, and *environmental leaders* working to help protect children nationally, especially the 24 million children who ride the school bus to school each day.”

Sound familiar? Welcome to the future, Ms. Whitman! Did she hear about HB 2961, shepherded through our WV legislature by *your* Lobby Team? Governor Wise signed HB 2961—our “Turn It Off” bill—into law about a week ago! (A formal signing has been requested...stay tuned!)

Earlier last week, I met with Wayne Clutter of the Department of Education. He is very pleased and enthused about the bill, and that the department is responsible for implementing it. Wayne met Tuesday with his transportation directors to plan the implementation and scheduling of the policy. It looks like next school year, beginning Fall 2003, will be the start-up.

Now *YOU* are in the driver’s seat! Ms. Whitman has said that this effort of cleaning up school buses is *everybody’s* business—and she’s right! As the EPA seeks “partnerships with business, health and environmental organizations”, you can tell everyone about HB 2961 and it’s intent! Talk about protecting our most precious assets in WV — our children!

Think about adopting a bus — or a bus driver — or a school official who supports the program in your community. Recognize their support! You can become a front-line partner in making sure this law is implemented fully!

Dear WVEC members,

There was so much material for this edition, that we didn't have room for all of the information, words of gratitude and E-Day! coverage we would like to print! Our next newsletter will be published in June, so please look forward to receiving your copy then!!!

A Failure of Governments

By Chuck Wyrstok

Fifteen minutes before the gavel was to fall on the end of the session, the Senate came to a screeching halt. Sen. Vic Sprouse (R-Kanawha) would piddle away the last precious minutes with a sorry excuse for a filibuster on the Workers Compensation Bill. Several disgusted senators sat cleaning their desks, realizing that some important bills were now kaput...muerto...dead....ATVs, Water Quantity, and, of course, Workers Comp.

Politicians are patting themselves on the back in the local hometown papers, though. It was a tough session, don'tcha know....lotta tough problems. Sounds like baseball players after a tough game they just lost. Only problem is...there's no game tomorrow to regain honor and victory. The ninth inning of the legislature is over and John and Jane Citizen can go home now and just be in a deadened state of team failure. Casey has struck out.

It's like watching a minor league B-team...former high school stars stumbling over unsure terrain toward a distant major league slot. Starting out clean, some of them...no strikes, but definitely no balls, either. Consider the game strategy. Action on medical malpractice? We'll just cater to the doctors...don't want THEM walking off the job. Workers comp? We'll just wrangle around with that one until it sucks us all down a big black hole! Protecting the NUMERO UNO asset of the state (our abundant water) from foreign takeover and the spectre of international treaties overriding our state laws?...oooops...the manufacturer lobbyists are going paranoid over this one....better do a study. And while we study this no-brainer, Bushco gets ready to sign away our water rights to the European water giants.

Too bitter, you say?!? I think not! I defy anyone to come down here and watch some of these overconfident, narrow-minded blowhards piss away our legal rights, our water, our tax money. It ain't pretty and it definitely isn't what they taught you in your 8th grade civics books.

How about a malpractice suit against THEM? If THEY were doctors, most of us would be DEAD by now! At least the docs have to run their professions like a business. The legislature doesn't have to. They diddle, fiddle, piddle, get lost in riddle...and they still get paid.

However, we should give our *heartfelt* thanks to the few that really represent the everyday folks in the legislature. Risking repercussions from leadership - but feeling a higher calling to do the right thing, Mike Caputo, Ginny Mahan, Jon Hunter, Bill Hamilton, Bob Ashley, Brooks McCabe, Jeff Kessler, Mary Poling,

Randy White, Larry Rowe, Carrie Webster, Emily Yeager, Dale Manuel, Don Perdue went to bat for equal justice and the real American way.

Others who came through with the right stuff were John Pino, Rick Staton, John Doyle, Jon Amores, Dale Martin, Cindy Frich, Jerry Mezzatesta and Bill Hamilton. When things looked so skewed toward the people of the state losing out, these legislators did what we would all do...they took action in committees, stood their ground on the chamber floors, and voted as if people mattered.

Sorry for the rant...it's been a long, hard winter...that ended with a war. Brought on by two particularly greedy and unevolved human beings..the un-elected leaders of Iraq and the USA. In West Virginia though, in our back yard, we still have the chance to celebrate the re-birth of Spring, plant the seeds of change and strive for justice.

"Everyone's organized but the people", said John Gardner when he founded Common Cause in 1970. I heard something else recently that everyone needs to take to heart: the only thing more powerful than the American government is American civil society. A tremendous responsibility rests on the shoulders, the spirit, the soul of all Americans, because if we don't work for change, we and the rest of world suffer. We have way more power than the everyday folks in many other countries and they are beginning to look to us to represent them. So, what's it gonna be? Are we up to it? The governments are failing. The people need to take charge. Ain't no time to waste.

Margaret Mead said it best. "Never doubt that a small group of thoughtful committed citizens can change the world. Indeed, it's the only thing that ever has."

Under the Dome

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put the Division of Forestry under the umbrella of the Division of Environmental Protection, never got off ground zero. And it was like pulling teeth to get the administration to support our innocuous little "Turn It Off" school bus energy bill.

One long-time legislative employee, an astute observer of legislative process and politics, commented to me at the end of the session that "this was the worse he had ever seen . . . it's like sharks in a feeding frenzy."

Well, it's all over for now. We can only hope that some real leaders show up next year.

In the meantime, sit back and watch all the song-birds that visited your feeder this winter. They are in their brightest mating colors right now. It's their way of saying "thank you" for helping them get through the winter.

Water Bills: One a Floater, One Flushed continued from page 1

Consider, coal air shaft installations can withdraw 4 million gallons of groundwater a day, ditto some quarries, and Weyerhaeuser uses municipally treated water for dust control in Braxton County.

- Reuse of water – who will champion that?
- Rainwater collection – reducing storm water runoff, and augmenting supplies
- Minimizing impacts on high yield springs – such as timbering, quarrying, or agricultural land use threats in recharge areas.

Environmental interests are certainly going to be under-represented, if they are represented at all on the task force. There's no existing funding (and no time for lengthy foundation funding cycles). So, citizen input will apparently rely, as usual, on volunteers.

SB 650, to establish the simplest beginning of Water Quantity Law, DIED. SB 650 would have been the first direct statute to supposedly protect West Virginia's water quantity in our state's 139-year history. Oh well, pass the lead supplements.

After the Senate passed SB 650 by a 33-1 vote in the next to last week of the session, optimism was cautiously warranted. Granted the Senate bill stunk, but at least a bill was alive. All parties (yours truly, state agency staff, the Attorney General, and numerous industry lawyers) saw the same thing - the Senate bill protected virtually nothing. Worse, it may have violated 300 years of common law.

Once SB650 reached the House, the House leadership committed to fixing it. Among concerns was a letter from attorney Larry George apparently on behalf of the Chamber of Commerce. The letter stated the obvious, which journalists have continued to report, that the Senate bill was bad.

Too bad no one interviewed Rick Staton, Jon Amores, me, or anyone else who put in a composite of over 100 hours on the House substitute bill. The House Judiciary committee substitute was actually good, and when it came up for a vote at 10:50 p.m. on the last night it passed the House floor 88-11! The bill was alive with over an hour left in the session!

Once the House version was reported back to the Senate, the omens were all bad. Our water bill champion, Sen. Unger, had blistered Senate Majority Leader Truman Chafin earlier in the evening – and did so on public television. Ouch. Unger's body language told the story, along with his emphatic thumbs down from the Senate floor.

Frantic assistance from House and Senate counsel dispelled one myth, that the language over who owns West

Virginia's water was the problem.

The real problem was the inclusion of one small provision at the end of the bill – the House version prohibited the taxation of water..

Instead of focusing on protecting West Virginia, one of two states east of the Mississippi with no water quantity law, the Senate was apparently dreaming of taxing water users to fix other problems. No state in U.S. history has ever imposed such a tax. One senator had told us that any language denying taxation would kill the bill. The House apparently was not able to pass the bill without their “no-tax” clause. Final verdict – the Senate never took up the House version, and the bill was dead.

So, while we flail and burn the clock, other states and corporate parties are miles ahead of us. West Virginia's greatest natural and economic resource in the 21st century is at stake. And as usual, those who have ignored or abused it virtually forever will be the principal parties in developing new law.

However, in my 50 months back in West Virginia, and after lobbying in four regular sessions and one interim, I have never seen such an important issue actually arise and move this close to passage during a single session. Simply put, we drew incredible attention to this issue despite the depressing final outcome.

Where do we go from here?

Everyone grasps the gravity of pending actions in March, specifically that President Bush may approve international treaty requests from the European Union. Those requests are to *open United States' water supplies sector up to international treaties*, where anything we do later could be challenged as creating a barrier to trade. And worse, those future challenges could come from behemoth French and German water corporations who may become the Enrons of the 21st century, with legal and eco-political resources that dwarf the imagination.

Fortunately, key players – Senator Unger and several colleagues on that side of the aisle, and House leadership including Majority Leader Staton and Judiciary Chairman Amores – all recognize the value of getting something basic and useful on the books now.

Post-session, a Development Office staff member called me, and asked the same questions we had just answered for the last 3 weeks of the session. Hopefully, months from now no new buyouts will have occurred. Hopefully, no Bush Administration action has occurred to make it easier for the European giants to gobble up more of our waters.

Hopefully, whatever comes from the resolution that *did* pass will not be a “WTO trade barrier” if our leaders finally decide to lead a bill to passage in the 2004 session.

WV Clean Elections Act

By Julie Archer

Thanks to the work of Citizens for Clean Elections and its member groups, and calls and letters from concerned citizens like you, the West Virginia Clean Elections Act (SB 158 & HB 2527) was given serious consideration by elections subcommittees of both the House and Senate Judiciary Committees. Although the bill didn't pass during the regular session we've been told that the legislature will be giving this much needed reform a closer look during the interims.

The Citizens for Clean Elections coalition has grown over the past year, and so has support for Clean Elections in the legislature. But the legislature will only pass this reform if the public is clamoring for them to do it. While our efforts did not go unnoticed during the session, in order for support to truly take root in the legislature, we need to continue to grow our coalition and cultivate more public support. This means we have a lot of outreach and education to do.

In the months ahead Citizens for Clean Elections hopes to launch an educational campaign to start spreading the word about the West Virginia Clean Elections Act. As part of this effort we will be holding a series of "Democracy Rescue" forums around the state.

The idea of these forums is to bring together representatives from different groups across the political spectrum to discuss the issues that are important to them, how these issues are affected by the influence of special interest money in our political process and what we can do to help shift the balance of power from the special interests to the public interest. We hope to hold these forums over the course of the summer and we'll let you know the details as things start to take shape.

In addition the "Democracy Rescue" forums Citizens for Clean Elections will continue its outreach efforts by speaking to organizations and groups about the Clean Elections Act.

If you would like to help with this effort, invite a representative of Citizens for Clean Elections to talk to your group or organization, or contact us to join our speakers' bureau. You can also help by publishing an article about Clean Elections in your organizations' newsletter.

If you would like to do more to help make Clean Elections a reality in West Virginia, contact Citizens for Clean Elections, c/o OVEC at P.O. Box 6753, Huntington, WV 25773 or 304-522-0246, or e-mail Janet Fout at ohvec@ezwv.com or Julie Archer at julie@wvcag.org.

Shine, Perishing Republic

By John Taylor

"I pledge allegiance to the flag of the United States of America and to the Republic for which it stands...."

Well, what does our Flag stand for? We say that it stands for our "democratic" country where we are free to vote, in free and fair elections, and where anyone can be a successful candidate for office. That's what we dream, and what we say our Flag stands for, but the reality is quite different.

The reality is that candidates must have a lot of money to finance their campaigns. This is especially true in West Virginia where King Coal and big money rule. West Virginia candidates have to engage in constant and demeaning hustling to finance their campaigns. Our election process has been skewed and controlled by big money and perverted from our dreams of free and fair elections.

We made a good strong effort in the 2003 Legislative Session to correct this situation by the introduction of the West Virginia Clean Elections bill. And we are now in a strong position to move this bill in next year's session, if we can reach down into our hearts and find the will to be good organizers.

We have to organize the public in support of this legislation. The legislature won't listen to us if we don't. It will again be the same old, same old, where we're talking to the walls and to ourselves.

Janet Fout (OVEC and Citizens For Clean Elections) has recently told us what must be done: "All of us understand that our legislature will respond more favorably to this legislation if they know the public demands it. The biggest challenge we face now in our campaign is educating the public about how important and necessary the West Virginia Clean Elections Act is to their lives and welfare."

We must understand that passing the Clean Elections bill is not optional for us. We do not have the luxury of letting this opportunity slide by. We are already losing our democratic rights, liberties and privileges in the heat of war fever and repression of dissent.

Remember, the very key/prime foundation of our entire democratic system is our election process. It is **supposed** to guarantee **fair** representation in our politics at every level: federal, state and local.

But it doesn't. Corporations and their big money will be our ruination as a Nation. Here we sit, the world's superpower, at the top of technological development, the richest nation on Earth. Our technology could be used for the benefit of all people of the Earth.

But no! Our technology is being used to kill people. Our circle is way out of round. How long, dear readers, do you want to put up with government by the corporation, of the corporation, and for the corporation?

Do you really want to be governed by hustlers?

Coal Trucks and Democracy

By Julie Archer

As you know, our democracy was dealt yet another blow, as the legislature passed and Governor Wise signed **SB 583**, which raises the legal weight limit for coal trucks to 126,000 pounds on soon to-be designated coal haul roads. They did this in spite of overwhelming public opposition. This irresponsible sell-out to the coal industry is a perfect example of elected officials ignoring the public good in favor of special interests.

The Senate passed the bill on a 21 to 37 vote. The House of Delegates passed the measure on a 56 to 43 vote. The People's Election Reform Coalition (PERC) new data shows that senators voting for the bill received \$88,581 in campaign contributions from the coal industry. Senators who opposed the legislation received only \$27,400. House Delegates who voted for the weight increase received a total of \$104,660 from the coal industry in 2002. Delegates who voted against SB 583 received only \$23,545. (To see how your senators and delegates voted, and how much money they took from coal, log onto www.wvcag.org. Under issues click on Overweight Coal Trucks, then click on the PERC Report on Coal and the 2003 Legislature.) If you haven't already, please take time to contact your legislators to thank them or to voice your displeasure with how they voted.

PERC data also showed that Governor Wise raised over \$70,000 at a fundraiser in March of 2002 while the legislature was debating increasing the weight limits for coal trucks. Most of those contributions came from coal companies, coal haulers and land companies. Wise received \$20,500 from employees and spouses of Riverton Coal and its parent company RAG Coal International. This is the largest single-day giving PERC has seen from any corporation since it began monitoring campaign financing in 1996.

The coal industry made out pretty good on their investment. They've had their illegal activities decriminalized and they got off cheap compared to the billions it will cost West Virginia taxpayers to repair and maintain the roads. But even though we have lost the battle we must continue to the fight. West Virginia Citizen Action Group will continue to work closely with Coal River Mountain Watch, the Ohio Valley Environmental Coalition and WVEC to monitor the coal haul road designation process and keep you informed.

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Green Legislative Update

Timber at the Lege

By Conni Gratop Lewis

It was another frustrating year at the legislature for timber reform advocates. But it was less so than previous years. The timber industry's only victory was stopping our bill. This is not such a little deal. We were able to have introduced apparently modest timber reform legislation in both houses.

The bills would have required commercial timber operators to notify adjacent landowners before beginning, so that landowners could protect their timber and property values. The House committee didn't have the time to take it up and the Senate committee took it up only to table it. However, it took effort to table the bill.

We did have one modest victory in that a bill to provide a retroactive tax credit for managed timberland (aka silviculture) did not get out of Senate Finance. Only one company would have benefitted from the bill as written and the committee was in no mood to pass it, once they saw how much money it would have cost the state.

Also, Sen. Donna Boley introduced a bill to rein in managed timberland tax abuses by large landowners. While Senate Pres. Tomblin was intrigued by it, and the WVEA liked it, we were unable to generate enough enthusiasm to pass it. But the Senate Finance committee frankly was pretty busy this year. And so were the counties.

We will try again next year. If you live in Sen. Boley's district, do thank her.

Meanwhile, timber abuses continue. If you see a bad timber job, call the Division of Forestry, your legislators and the governor! And pray that the spring rains do not bring more fatal flash floods made worse by bad timber practices....

Your 2003 Lobby Team

WVEC owes our thanks to the most *extraordinary* lobby team we've ever had!

- Don Garvin, *Guppy Guy Coordinator Extraordinaire*
- Rick Eades, *Hydro Man Extraordinaire*
- Conni Gratop Lewis, *Madame Lobbyist Extraordinaire*
- Chuck Wyrstok, *WVEC Guru of Love Extraordinaire*
- Allan Tweddle, *Token Republican Extraordinaire*
- John Taylor, *The Peoples' Voice Extraordinaire*
- Denise Poole, *Jill of all Trades Artiste Extraordinaire*
- Amy Lynn Strege, *Girl Wonder Extraordinaire*
- Dot Henry, *Den Mother Extraordinaire*
- Chris Hogbin, *List-serve Mistress Extraordinaire*
- Don Alexander, *Website Guru Extraordinaire*

WV Bottle Bill - A Great Start

By Linda Mallet, WV-CAG

The WV Bottle Bill effort got off to a good start this session with legislation introduced in both the Senate and the House. We educated many legislators about the concept and they, in turn, asked us many questions about the how a bottle bill would work here in West Virginia. In the end, the bills did not make it out of committee but two committee chairs agreed to study the concept during the interim process.

We've had a great first year. Now we have time to gear up for the 2004 Legislative Session (shudder, shudder!) by drafting an even better bill (one that takes West Virginia's special needs and legislators' concerns more into account), by getting even more petitions signed and by getting more communities to pass resolutions of support.

We were reminded, as with every progressive, environmental initiative, there will be strong, well-funded opposition. Opponents wasted no time in calling the fully refundable deposit a "hassle tax" and threatening legislators with certain wrath from voting retailers and small business people.

Bottle bill states have seen industry spend millions to fight their bills' expansions and promote their repeals, instead of funneling money into making the existing (and popular) systems more efficient. The good news is that we didn't hear any new arguments from the bottling industry. The other good news is that our alliance with the politically powerful WV Farm Bureau helped get the bottle bill a lot of attention.

If you are interested in helping with our petition drive or learning more about the WV bottle bill, please contact me at 304-346-5891 or linda@wvcag.org. And, please, if you haven't already done so, sign our on-line petition at www.wvcag.org and ask your friends to do the same.

Update: On Tuesday, April 1, Morgantown City Council passed a resolution to support a West Virginia Container Law. Special thanks to WVEC board member Jim Kotcon for spearheading this effort! Morgantown joins Charleston, Huntington, South Charleston and St. Albans - and is also the home of Delegates Cindy Frich and Nancy Houston, both bottle bill sponsors this past session.

If you would like to ask your city council to do the same, please visit our website to download a sample resolution. These efforts are helping us maintain our momentum and let legislators know that their constituents want a West Virginia Bottle Bill!

Green Legislative Update

Still No ATV Regs

By Conni Gratop Lewis

One of the hallmarks of this legislative session was the odd pairings. Really odd. Downright bizarre. There was the "religious right" working with the ACLU on vaccination legislation, CAG and the Farm Bureau working the bottle bill, the WVEA supporting a bill sponsored by Sen. Boley and the docs and hospitals working together on medical malpractice legislation. And then there was the ATV bill, whose opponents included environmentalists, social workers and the ATV manufacturers, represented by Leff Moore and his wife Karen Coria.

This bill, introduced by the Governor, went through several versions but all featured allowing the machines on 3/4 of the state's public roads. Who was required to wear a helmet, and when it was required, and the ability of local governments to regulate them varied from version to version. Not to mention the question of whether they would be permitted on the land and roads of forests, parks and other DNR property.

After expending much energy the Senate passed the bill and it spent weeks in conference committee. The final conference committee version was a joke and did not reflect the will of the Senate. It probably reflected the views of two of the three Senate conferees who voted "no" on the original bill. So the Senate rejected it. Long time legislative observers could not remember a conference committee rejection on the Senate floor. (But on the last night the House rejected a conference committee report on workers compensation.)

Safety advocates were relieved, actually. As was the environmental community. West Virginia is one of a handful of states that don't regulate ATVS. West Virginia has the highest ATV fatality rate in the nation.

Coincidence? We don't think so. Between now and next session, let us hope that the legislature studies the issue carefully and comes back next year with reasonable legislation.

As a postscript, there was another bill that cynics thought would effectively regulate ATV trespassers on private property - it was a bill the House passed that provided immunity for persons who used deadly force to protect property.

Right now, you can only use deadly force in personal self defense. Expect to see that bill next year also.





Calendar of Events



April 10-12 & 17-19: "Final Assault" presented by Charleston Stage Company. A new play on mountaintop removal by actor David Selby. WV State College Capitol Center Theater, 123 Summers St., downtown Charleston. Adult tickets are \$12. *Friday, April 18 is a special benefit performance for the Ohio Valley Environmental Coalition (OVEC). Benefit tickets are \$20, advance sale only - avail. at the theater or www.charlestonstagecompany.com*

April 19: Building Your Natural Home #1. Introduction to Building a Cob Home. Slide Show and Tour. Hands on cob building weather permitting. 10 to 4 pm. Cost is \$25 with complimentary lunch. Sustainable Development for WV & La Paix Herb Farm. **Pre-registration required to:** La Paix, 3052 Crooked Run Rd., Alum Bridge WV 26321.

April 19 & 20: Stanley Heir's Foundation 14th Year Easter Kick-Off Celebration! Kayford Mountain. Picnicking, Easter egg hunt and more. Open to the public. **For more info & directions:** Larry Gibson, 542-1134.

April 21: Pre-Earth Day Press Conference. John Amos Power Plant in St. Albans. 1:30 pm. **For more information and directions:** call OVEC office at (304) 522-0246 or e-mail dave@ohvec.org or vivian@ohvec.org.

April 26: "Artists for the Environment" Fun(d)raiser. Perfater Law Office lobby ~ 1311 Virginia Street East, Charleston. From 1:00 ~ 7:00 pm. Artists from around the state are donating their talent in support of WVEC! Items for sale; Silent auction of artwork; Live music; Poetry; WV Wine & Home Brewed beer; Refreshments; Raffle drawing for Mark Blumenstein sculpture! Join us for this Earth Week event - support the Arts and the WV Environmental Council's environmental efforts! **For more information or to participate contact:** Denise Poole, 346-5905 or deniseap@earthlink.net.

April 26: Sierra Club national Earth Week Outreach Event. "Help the Sierra Club protect the Monongahela National Forest." The Sierra Club WV Chapter will be canvassing neighborhoods in Charleston on this day. Looking for volunteers for 2 or 3 hours walking with your friends and talking to your neighbors....to

protect West Virginia's National Forest!
For more information: Frank Slider (304) 758-2500 or slider@ovis.net. Dave Muhly (276) 688-2190 or david.muhly@sierraclub.org.

April 26: Propagation of Lavender Workshop, La Paix Herb Farm. Cultivation & Harvesting. Essential Oil Distillation. 10 am - 4 pm. Cost is \$55. and includes complimentary lunch. **Pre-registration required to:** La Paix - 3052 Crooked Run Rd., Alum Bridge WV 26321 or e-mail: lapaix@iolinc.net.

May 17: Let's Celebrate Basil! Workshop, La Paix Herb Farm. Propagation of Culinary Herbs, & Uses. 10 to 4 pm. Cost is \$55 including complimentary lunch. **Pre-registration required** (same as above listing).

May 17: Conference on the Free Trade Area of the Americas. John XXIII Pastoral Center, Charleston. 9:30 am - 2:30 pm. **To Register:** Send name & address with \$15 check (includes lunch & materials) to: Justice & Life Office, Diocese of Wheeling-Charleston, 600; Shrewsbury Street #6, Charleston WV 25301 - c/o Carol Warren.

May 24 & 25: Natural Home Building #2. We will finish cobbing a bench started Fall 2002. Learn the basics of cobbing. Workshop on rammed earth tires as foundations will be focus Sunday with Mark English, Wis'In Wheels. 10 to 4 pm both days with complimentary meals & camping: \$75. **Pre-registration required** (same as above listing for La Paix Herb Farm).

June 13: WV-CAG Annual Fundraiser at Coonskin Park Clubhouse. Great food, speakers and silent auction items. More details to come. **For more info contact:** Linda - 346-5891 or linda@wvcag.org.

June 14: Identifying Medicinal Herbs - Making Salves & Tinctures. La Paix Herb Farm, Alum Bridge WV. 10 to 4 pm. Tour all gardens; wood & field walk identifying medicinal herbs and uses. We will make a salve & tincture to take home with you. Cost is \$55 including complimentary lunch. **Pre-registration** (same as above La Paix listing).

Support the West Virginia Environmental Council

1324 Virginia Street East, Charleston WV 25301

Phone: (304) 346-5905 Fax: (304) 414-0629 www.wvecouncil.org

_____ Renewed Membership

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Membership Levels

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Name: _____

_____ \$ 25 Regular

Address: _____

_____ \$ 50 Seedling

City, State, Zip: _____

_____ \$ 100 Sustaining

Phone: _____ e-mail _____

_____ \$ 250 Enviro Steward

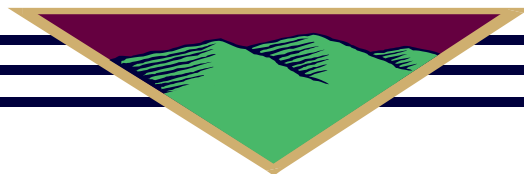
_____ \$ 500 Canopy

_____ \$ 1,000 Old Growth

_____ \$ Other

West Virginia Environmental Council
1324 Virginia Street East
Charleston, WV 25301

www.wvecouncil.org



Celebrate **spring** and **Earth Week** with WVEC at our:

"Artists For the Environment" Event

Saturday ~ April 26, 2003

Perfater Law Office Building Lobby

1311 Virginia Street East ~ Charleston, WV

1:00 pm ~ 7:00 pm

