



West Virginia Environmental Council's

# Green

# Legislative

# Update

Published Weekly During West Virginia's Legislative Session

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## Under the Dome

Donald S. Garvin, Jr., WVEC Legislative Coordinator

### Week 6 – First You Say You Do, And Then You Don't

This week the Senate Natural Resources Committee took up SB 353, the EQB water quality rule – AGAIN!

What a zoo! Just when you thought that things couldn't get any more confusing with this bill than they were last week, they indeed got more confusing.

The situation is so convoluted that I don't know that I can fully explain it to you here. But I am going to skip to the basics and give it a try.

This sorry saga of legislative sausage making began on the last day of Interims, when the Interim Legislative Rulemaking Committee finally took action on the water quality rule.

Apparently, legislative staff has only hand-written notes from that meeting. Apparently, no tape recording was made of the proceedings. Apparently, the typed minutes did not agree with the hand-written notes. Apparently, not everyone on the staff or members of the committee agreed with the hand-written record. Apparently, the hand-written notes don't agree with notes from some reporters who were present.

Apparently, Senator Mike Ross, chair of the Rulemaking Committee, wanted a different outcome than Senator Herb Snyder, who made the original motion on the water rule and all the industry amendments.

Apparently, Senator Ross (who is also a member of the Natural Resources Committee) wanted a different outcome than Senator John Pat Fanning, chair of Natural Resources Committee.

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Green Legislative Update

## Spinning Wheels?

### House Conferees Insist on Allowing ATV's on Public Roads

Conni Gratop Lewis, WVEC Lobbyist

As you may recall from last week's episode, the ATV bill (HB 4022) went to conference to hash out the differences between the houses. The conference committee met twice this week, once to hear about the provisions of the bills and once to talk more and ask questions.

The most telling moment came when Senator Oliverio said, "It seems incomprehensible to move forward before we understand existing law." This was in reference to the continuing confusion regarding insurance, titles, enforcement and the definition of "roadworthy."

It appears the House will concede on mandatory helmets on kids, and **it also appears the House is standing firm on legalizing ATV's on roads.**

***If ATV's are legalized on roads, the public lands we treasure will be at great risk of damage from off road use.*** And the Hatfield-McCoy trail will be at risk, because if ATV's are legal on roads and landowners are hard-pressed to protect their land, why drive to southern West Virginia to operate ATV's?

As a footnote, if ATV's are legal on roads without a painted centerline, that's approximately 21,000 miles of the DOH's 34,000 miles of roads.

The committee will meet again on Monday morning, after the attorneys work all weekend to pull a bill together.



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# What a Wonderful E-Day!

Denise Poole, WVEC E-Day organizer

For those of you who could not attend E-Day this year, you really missed a great one. To all those lucky participants, thank you for your contribution to the excitement, gratitude & applause for our award recipients & lobby team members, and an overall successful 15th Annual E-Day event!

During the day, an array of activities by the twenty six exhibitors created a wonderful "green energy" throughout the capitol. We filled the lower rotunda area and everywhere you looked people were engaged in conversation and sharing of information. School children came through, people working at the capitol, legislative representatives, people carrying in containers for Deposit Day sponsored by *Citizen Action Group*, and hundreds of interested citizens from across the state - several of whom also met with their representatives and watched the House and Senate Floor Sessions.

A nice selection of natural products were available, as well as organic food samples from *Spring Creek Natural Foods*. Sounds & images of mountaintop removal sights, coal waste impoundments and other issues added yet another dimension. Folks were even able to relax a little, and receive a back massage, breathe clean air and inquire into wholistic nutrition and healing - all from members of the *Wholistic Wellness Network* who took the time to bring in their equipment and products.

A short program at noon allowed us to pause long enough to honor and introduce the lobby team & our 2004 award recipients. OVEC's Janet Fout and "whistle blower" Jack Spadaro had an opportunity to be interviewed on the Hoppy Kerchival radio program, broadcast from the capitol each legislative session. We were also delighted to have Ted Williams join us (editor at large for *Audubon* magazine, nationally known for his writing about coal's environmental impacts including acid mine drainage and mountaintop removal). Ted, by the way, is also Don Garvin's hero, and a fellow trout fisherman.

Ahh..... temporarily weary from a full (and fulfilling) day, we transition into evening and the Benefit. Relaxing among "like minded enviro friends" especially after being at the capitol, was most welcomed.

Everyone enjoyed the middle eastern food (always brought in by Greg Carroll), Organic soy-based food (including no-cheese cake) by Bob Hamburg & *Spring Creek Natural Foods*, fresh salad, and bread & brownies baked by our own John Taylor.

Our award presenters, Julian Martin, Vivian Stockman, Chuck Wyrstok, Judy Bonds and Nannette Nelson all spoke so well of their respective awardees. Recipients, Janet Fout, Jack Spadaro, Bob Hamburg, Freda Williams and Patty Sebok gave the most amazing and inspiring acceptance speeches. Again, congratulations to all of you, and we can't say enough about each of you and your activism.

The evening wouldn't have been complete without the music of Steve Himes & The Blue Notes, Blues guitarist/vocalist Debbie Grimm and singer/songwriter Paige Delporto. WVEC can't begin to thank you enough!

A very special note of thanks to Paul Perfater, who supports us like no other can - letting us repeatedly use the gorgeous space in his building.

We would be remiss not to thank the ones who always, without fail, stick around from beginning to end to set up, tear down, clean up, make food, lug tables, wash dishes, pack up .... well, you get the picture. Thank you Greg Carroll, Chuck Wyrstok, Linda Mallet, Julie Archer, John Taylor and Jan White.

Thanks to everyone for making this E-Day such a success.

*Green Legislative Update*

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***Legislative Update***  
Denise Poole, *editor*  
deniseap@earthlink.net  
1324 Virginia Street East  
Charleston, WV 25301  
(304) 346-5905  
www.wvecouncil.org

## Under the Dome ..... continued from page 1

Apparently, with Senator Ross cracking the whip, staff worked all last weekend to “set the matter straight.”

And that brings us to Monday, when the Natural Resources Committee met again, recalled the water quality rule bill and voted to – well, things get a little fuzzy here as well. There are at least two versions of what the committee voted to do this week!

One newspaper report claimed the committee passed the water rule WITH the industry amendments. However, committee staff (and the official committee meeting minutes) says the committee struck the industry amendments and passed the bill out of committee as “not authorized.”

So now we are back to where we were a week ago – the Senate Judiciary Committee will take the EQB water quality rule up next and we are told it will be assigned to a sub-committee chaired by Senator Snyder. One thing is clear at this point: there can be no doubt that industry will attempt to add their amendments to weaken our water quality standards in the Senate Judiciary Committee.

If you are still confused, just wait until the House Judiciary Committee begins to deal with this rule! Then we’ll have a House version and some kind of Senate version and the fun will really begin.

As a reminder, here’s what industry wants to do: they want to remove the current designation of all state waters as drinking water sources; they want to remove the new list of streams designated as trout waters (and Senator Sarah Minear wants to remove the current list of trout streams); they want to remove the new standards set for 69 toxins recommended for regulating by EPA; and they want to weaken the standards for aluminum, manganese and selenium so the coal boys won’t have to treat for these pollutants.

***First You Say You Will, And Then You Won’t ....*** In the same vein, the coal boys and the oil and gas boys sat through the entire Interim session supporting the work done on the water quantity bill, and now they say they want to be exempt from reporting the amounts of water they use.

**Well, why not? They’re exempt from everything else!**

The weather warmed considerably down here this week, but our fine-feathered friends are still looking for something to eat. So remember to keep your bird feeders full this week.

## Water Quantity Bill Trickling Along

*Conni Gratop Lewis, WVEC Lobbyist*

A few weeks ago the Senate passed SB163, the bill that claims the state’s waters as ours, and provides for a study of water usage. The House Judiciary chair created a subcommittee to study water issues. This subcommittee set to work and generated an amended version of the bill, which hasn’t yet been taken up by the full committee.

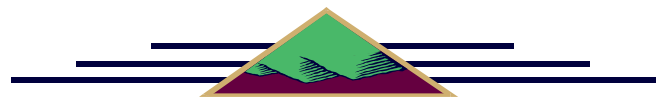
The subcommittee’s changes to the bill that really matter to us are these: first, it **provides for a registration system for large users (this is good); second, it exempts coal, oil and gas from the studies (this is absurd).**

Why are we not surprised by the second change???

The bill still has opponents. Some forestry folks are upset about the regulations in the bill. Some industry folks still are hyper about the threat of taxation. There is nothing about taxation in the bill. Only the Chamber of Commerce and the manufacturers carry on about taxation, which of course gets the legislators upset.

Some people apparently don’t want the public to know what’s happening to the public’s water. Some people are concerned that cultural values could be considered a beneficial use of the water.

**What would be truly useful at this point is for citizens to call their delegates — especially members of the House Judiciary committee — and urge them to support the bill, and to remove the exemption for coal, oil and gas.**



### To Contact your Representatives on Issues:

Legislative Reference & Information Center  
MB-27, Building 1  
State Capitol Complex - Charleston, WV 25305  
304 347-4836 toll free: 1 877 565-3447  
**On Line:** [www.legis.state.wv.us](http://www.legis.state.wv.us)

# I Don't Get No Respect!

## I Earned it ..... Didn't I?

Allan Tweddle, WVEC Lobbyist

The reception was alive with Labor supporters. Introductions led to one thing and another.

The construction union representative from Morgantown said, "**Why are you Environmentalists against everything?**" I had asked him why he wasn't demanding a zero emissions power plant at Longview instead of supporting the construction of more pollution in the Morgantown area that could lead to more premature deaths in the elderly and increased asthma in kids, for starters.

"**Ah, you guys just don't want anything done...you're all nuts.**" Then I asked if he wanted clean air and water. His reaction was "**Of course...don't we all? But you guys...**"

It was a lively discussion, to say the least. His conflict about who we are brought it home to me again . . . we "**Don't Get No Respect!**" Perhaps we are too often just preaching to the choir. We need to reach out beyond our comfort zone with the clear message that what we want is responsible environmental policies and practices . . . and compliance with the law.

Our issues really are everybody's issues. Who doesn't want clean air and clean water, as well as a robust, healthy economic future for ourselves, our children and their children? The future economy of West Virginia is dependant on preserving the beauty and natural resources of our state for those yet unborn.

At the forefront today, that means no backtracking or reversal of environmental standards on air or water. It means stopping mountain top removal, (what I call "**MOUNTAIN RAPE**"). It means supporting those energy systems that are clean, and encouraging those industries that will respect our citizens' health, property, communities, and our mountains and rivers. These are absolutes.

But, while Industry lobbyists plead that West Virginia's environmental laws and regulations for air and water are deterring business, they rarely offer any proof of those allegations. We can counter their arguments by continuing to encourage and support those businesses and industries that will respect and preserve the State's beauty and resources . . .the sustainable businesses.

We must become much more vocal and consis-

tent in encouraging sustainable businesses. To me, that means reaching out to the labor unions, the associations, even to the Chamber of Commerce, and let them know who we really are. In my experience, nothing can be more disarming to a philosophical adversary than a smile and, "**let's get to know one another better and explore our mutual interests.**"

Let's mount an all-out "assault" on these stakeholders to let them know that we are only seeking to protect them as individuals and their families. They need CLEAN AIR and CLEAN WATER, too.

During E-Day, we honored several individuals dedicated to improving our environment. One was Bob Hamburg, owner of a successful and sustainable business. Speaking of sustainability, American Electric Power (AEP) made a giant step towards more responsible environmental policies this week. They will, from now on, report their Greenhouse Gas Emission RISKS in their annual report. Good for them!

Right now, as you read this, Chamber and Industry lobbyists are trying to wreck, not refine, ALL of the water legislation that is currently under consideration in committees at the Capitol. We must put our concerns in front of every business person we know and ask why industry wants to drop "Drinking Water" classifications and "Trout Stream Designations" on the State's rivers.

It's a place to start "**getting more respect.**"

## Shameless Plea

"Money, money, money, money, money, money, money . . . money makes the world go 'round," or so the song from *Cabaret* would have us believe.

But it's true, you know. As your voice for the environment in the halls of the Capitol building, it takes money to keep the WVEC lobby team running.

So please help us out – help the environment out – today by renewing your membership and sending the E-Council whatever you can afford to keep the lobby team running. If you have already renewed, we thank you, and ask that you consider an additional donation if you can afford it.

Until we can take the money out of politics, you're going to need the WVEC lobby team to fight the good fight. Thanks for your support.

Donald S. Garvin, Jr., WVEC Legislative Coordinator

## Deposit Day a Success

Linda Mallet, [linda@wvcag.org](mailto:linda@wvcag.org)

Collecting about 1,000 cans an hour, Bottle Bill table volunteers were kept busy on Tuesday! Many people brought in the 50-can limit, some stopped by with one or two cans. Completely coincidentally, the Soft Drink Association was also having its day at the Capitol so that made things even more interesting. Pepsi and Coke reps visited our booth to educate us in our misguided ways. Luckily they had to wait their turn as we were busy collecting containers! And, while the soft drink folks were giving away drinks upstairs, we were giving away dimes downstairs for the empties!

Lots of folks signed the petitions and took bumper stickers. Our booth was abuzz and we gave away LOTS of dimes. Many legislators and lots of Capitol staff stopped by with bags of containers. Folks from out-of-town and locals alike came in. One woman from Charleston proudly stated that with just a loop around her block she was able to find enough containers to fill her bag. Another visitor collected containers as he walked toward the Capitol for the event.

I want to thank the following folks, many of whom drove hours to Charleston to help out: Lloyd Shortridge, Navneet Bhullar, Bill Douglas, Stacey Nonamaker, Phil Eakins, Norm Steenstra III, Mike Forman, Julie Archer, Marge Michau, Jim Kotcon and Rich Little. Their assistance made everything run incredibly smoothly. Thanks go out as well to the WV Sierra Club whose sponsorship made this event possible and to the WV Environmental Council for helping us get the word out, for supporting our cause and letting us share in their day. We also owe a round of applause to our generous WV-CAG members who have helped fund our efforts over the past months.

Thanks, too, to those of you who have sent e-mails of encouragement, worked hard in your communities to gather support, and who came to the Capitol with your containers!

Lead sponsors Delegate Bobbie Warner and Senator Brooks McCabe, along with many of their colleagues, submitted bottle bill petitions and resolutions of support on Deposit Day on the House and Senate floors. All combined, we definitely met our goal of raising awareness of the issue. And we will keep at it and continue to reach more and more supporters!

We hope to include some pictures of the day in future Issues and on the website, [www.wvbottlebill.org](http://www.wvbottlebill.org), soon!

*Green Legislative Update*

## Greenhouse Gas Bill Stalling

This year the governor proposed a bill to create a registration program for large facilities that produce greenhouse gases. It would allow the state to create a factual record of these emissions so that when the federal government actually does regulate them (and it will happen), we will have a record that says, West Virginia industries really do produce 5 gazillion tons of greenhouse gases, not the 4 gazillion your computer models predict.

West Virginia did not have good records in earlier years regarding NOx emissions, so when the feds did regulate them, WV industry and DEP could not defend their NOx information. State industries were penalized for what they may or may not have done.

This bill (HB 4029) is an attempt by DEP to prevent another problem. You'd think it would be a no-brainer, but you would be wrong.

And apparently even AEP thinks reporting emissions is not a bad idea. At least they are preparing to report them to stockholders, as reported in the Feb 19 Wall Street Journal. So if they can report emissions to stockholders, why not to the DEP?

House Judiciary Chairman Jon Amores has created a sub-committee to study this bill. It will be chaired by Delegate Rick Thompson, and the other members are Delegates Overington and DeLong. Call them and ask them to run this bill.

"I no longer believe that there is, in practice, such a thing as a 'renewable' resource. Once a thing is perceived as having some utility - any utility - and is thus perceived as a 'resource,' its depletion is only a matter of time."

*John Livingston, A Canadian philosopher/  
university teacher, from his book  
'The Fallacy of Wildlife Conservation' (1981)*

## Clean Elections Up for a Vote: Last Chance to Contact Legislators

*Julie Archer and Janet Fout*

For the past several weeks we have been urging you to contact your legislators asking them to support Clean Elections. We have been anticipating a vote, and now the moment has arrived. The Senate Judiciary Committee will be taking up the WV Public Campaign Financing Act (SB 270) on Monday, February 23. **We have an opportunity to repeat our success of the interims, and with your help we can do it! Regardless of the time, NOW is the time to get phone calls, e-mails, etc. to key members of the committee.**

Committee members who really need to hear from folks are Senators Fanning (357-7867), Harrison (357-7841), McKenzie (357-7984), Minard (357-7904), Oliverio (357-7919), Smith (357-7843) and Snyder (357-7866).

The vote is likely to be very close. Getting a “YES” vote from just two of the Senators listed above could get this bill out of the Judiciary Committee. That would be a great victory for Citizens for Clean Elections!

Of course we are counting on our sponsors and they should get calls that their support for Clean Elections is appreciated. Sponsors on the committee are Senators Caldwell (357-7957), Hunter (357-7995), Jenkins (357-7956), Kessler (357-7880), Rowe (357-7854) and White (357-7906).

**Contacts to legislators can make a difference and in the long run Clean Elections can help make other reforms possible by cleaning up a system that favors the interests of polluting industries like coal, electric utilities, oil and gas and chemical manufacturers. These industries benefit from the weakening of laws created to protect the environment and as long as we maintain our system of privately financed elections public policy will continue to be influenced by their ability to give substantial sums of money to campaigns.**

**For more information and talking points visit: [www.ohvec.org](http://www.ohvec.org) or [www.wvcag.org](http://www.wvcag.org), or see the January 23 edition of the *Legislative Update*.**

## Public-Private Transportation Act to Build King Coal Highway?

One of the governor’s parting gifts to the coal industry may be the Public-Private Transportation Act of 2004 (SB 221 & HB 4024). This proposal would allow private entities to build roads, bridges, ports and other transportation facilities with a combination of state, federal, and private funding. These facilities could then charge a toll for public usage to help recoup the private investment.

This proposal is not new, it has failed to pass for the past several sessions. However there appears to be a major push on this year. For one thing the bill is being worked in both the House and Senate simultaneously.

There is insufficient room in this article to detail all the pitfalls of this proposal, but here are a few:

It gets into the murky area of having private developers conspire with the state to take others’ private property under eminent domain and then transfer that property to the developer. This procedure is already under litigation. It would transfer ownership of state property to a private developer who could then charge tolls for its use. It could lead to privatization of state road maintenance and repairs, i.e., higher costs for poorer work on state roads. Other states have had their highway funds tied up in these long-term contracts leading to reduced maintenance on existing roads and bridges.

Even the governor’s own highway commissioner has serious questions about the bill, so why is it being “greased?” Sources in the legislature are pointing to two probable projects. One is a bridge across the Ohio River in the northern panhandle to provide easy access to existing racetracks/gambling machines and future casinos that will be setting up when table gaming is approved. The other is the proposed King Coal Highway in the southern counties to more quickly truck out the coal blasted off our decapitated mountains.

The Senate bill (SB 156) passed out of Economic Development and is now in Finance. The House Judiciary held a public hearing on the bill (HB 4024) on Wednesday and will likely take it up early next week.

Contact the Chairs and members of both these committees ASAP and tell them this bill is bad public policy and should fail again this year.

# Senate Bills We Are Tracking

Bill Number	Title	Committee
<b>Senate Bills</b>		
SB 39	Allowing landowners to remove debris to prevent flooding ("Flood Thy Neighbor")	JUD
SB 60	Transferring water quality standard rule-making authority to water quality board (eliminate EQB)	JUD
SB 63	Requiring verification of notice to adjoining landowners of timbering operations	NR
SB 89	Relating to beneficial use of water treatment plant sludge	JUD
SB 155	Creating environmental excellence program	EIM
SB 156	Establishing Public-Private Transportation Act (Governor's version) ("Regional Airport"?)	ECD
SB 163	Creating Water Resources Management Act (Governor's Water Quantity Bill)	<b>Passed Senate – to H Jud</b>
SB 221	Establishing Public-Private Transportation Act of 2004 ("Regional Airport"?)	FIN
SB 231	Authorizing county commission to establish flood plain enforcement agency	<b>Passed Senate — to H PS</b>
SB 270	Creating Public Campaign Financing Act ("Clean Elections")	JUD
SB 293	Creating Beverage Container Deposit Act ("Bottle Bill")	JUD
SB 323	Continuing office of explosives and blasting	<b>Passed Senate – to H Gov Org</b>
SB 340	DEP legislative rule relating to nitrogen oxide budget trading program as means of control and reduction of nitrogen oxides from nonelectric generating units	JUD
SB 341	DEP legislative rule relating to emission standards for hazardous air pollutants	JUD
SB 342	DEP legislative rule relating to standards for new stationary sources	JUD
SB 343	DEP legislative rule relating to air pollution from hazardous waste treatment, storage or disposal facilities	JUD
SB 344	DEP legislative rule relating to emission standards for hazardous air pollutants for source categories	JUD
SB 345	DEP legislative rule relating to requirements for determining conformity of transportation plans, program and projects developed, funded or approved under Title 23 U.S.C. or federal transit	JUD
SB 346	Authorizing DEP legislative rule relating to surface mining reclamation	JUD
SB 347	DEP legislative rule relating to solid waste management	JUD
SB 348	DEP legislative rule relating to hazardous waste management	JUD
SB 349	DEP legislative rule relating to NPDES rule for coal mining facilities	JUD
SB 353	EQB water quality standards rule	<b>Passed NR – to Jud</b>
SB 367	DOH rule relating to transportation of hazardous wastes	JUD
SB 386	DNR rule relating to public land corporation rule controlling sale, lease, exchange or transfer of land and minerals	FIN
SB 444	Requiring county litter control officers to enforce litter laws	<b>Passed Senate – Introduced in House</b>
SB 446	Relating to posting of unenclosed land	NR
SB 454	Relating to land-use planning	GOV
SB 475	Establishing State Trail Authority	GOV
SB 498	Permitting sale of timber severed in state parks in certain cases	<b>Passed NR – to FIN</b>
SB 539	Creating flood prevention task force	GOV

(List of non-active Senate ATV bills: SB 90, SB 153, SB 215, SB 252, SB 253, SB 264)

(This recent column in the *Charleston Daily-Mail* is a good example of the importance of campaign finance reform. The column is reprinted here with the permission of the *Charleston Daily-Mail*).

## And When W.Va. Can't Borrow?

### West Virginians put big spenders in the Legislature

By Dave Peyton, *Charleston Daily-Mail*, Thursday February 19, 2004

The rumor has been circulating for months: West Virginia has about five years to get in shape before it drowns in a sea of insolvency and political chaos.

Economists have been talking about it quietly, almost secretly. So have some bureaucrats in Charleston.

I spoke to one recently who told me that he didn't expect things to change for the better and, although he's a native West Virginian and loves it here, he suspects he'll have to move in the next couple of years and find a job outside the state.

The rumor has finally come out of the shadows and taken a form. A study by the Legislative Auditor's Office, released earlier this week, says that West Virginia's deficit will continue to grow at least through fiscal year 2009-10, when it's expected to be more than \$370 million.

And that, according to Ellen Clark, division director, is a best-case scenario. It doesn't take into account any emergency or unusual spending and assumes that the Tax and Revenue Division's estimates of 1.5 percent annual growth remain constant.

It means that lawmakers have to come up with savings and tax increases of \$1.35 billion through 2010 or else facilitate the growth of the state's economy so an additional \$1.35 billion will be collected.

If it wasn't clear before Monday, when the Legislative Auditor's Office report was released, it ought to be clear now: West Virginia is a victim of a horribly flawed political system.

It's a system that has guaranteed the incumbents re-election if they want it. But the same system has brought the state to the brink of bankruptcy and perhaps beyond.

... continued on page 8

# House Bills We Are Tracking

Bill Number Title

Committee

## House Bills

HB 4022	Creating "The All-Terrain Vehicle Safety Regulation Act"	<b>Passed House and Senate – In Conference</b>	
HB 4026	Establishing the water resources management act (Governor's water quantity bill)		JUD
HB 4027	Establishing a voluntary environmental excellence program		FIN
HB 4029	Establishing a program to report emissions of greenhouse gases		JUD
HB 4047	Creating a high growth business investment tax credit to encourage investment by state citizens and businesses in certain companies started by fellow West Virginians		FIN
HB 4068	Allowing the hunting of coyotes by use of amber colored artificial light with certain restrictions	<b>Passed House – to Senate NR</b>	
HB 4147	Providing for the use of returnable containers for various drinking containers ("Bottle Bill")		JUD
HB 4166	Removing the description requirements in deeds for easements and rights-of-way for mineral leases		JUD
HB 4167	Creating the Exotic Animal Control Board to protect the health and safety of humans and the state's agricultural and forestry industries, its wildlife and other natural resource interests from the introduction or spread of disease		Gov Org
HB 4185	DEP—Air Quality, NOx budget trading program		JUD
HB 4186	DEP—Air Quality, emission standards for hazardous air pollutants		JUD
HB 4187	DEP—Air Quality, standards for performance for new stationary sources		JUD
HB 4188	DEP—Air Quality, prevent and control air pollution from hazardous waste treatment, storage or disposal facilities		JUD
HB 4189	DEP—Air Quality, emission standards for hazardous air pollutants for source categories		JUD
HB 4190	DEP—Air Quality, requirements for determining conformity of transportation plans, etc., under Title 23		JUD
HB 4191	DEP—Mining and Reclamation, surface mining reclamation rule		JUD
HB 4192	DEP—Waste Management, solid waste management rule		JUD
HB 4193	DEP—Waste Management, hazardous waste management rule		JUD
HB 4194	DEP—Water Resources, WV/NPDES rule for coal mining facilities		JUD
HB 4198	EQB water quality standards		JUD
HB 4212	DOH transportation of hazardous wastes upon roads and highways		R&T
HB 4231	DNR public land corporation rule		JUD
HB 4248	Continuing the office of environmental advocate	<b>Passed House – to Sen Gov</b>	
HB 4260	Creating a system for public funding of election campaigns ("Clean Elections")		JUD
HB 4262	Creating the environmental excellence program		JUD
HB 4266	Requiring regulatory agencies of government, with exceptions, to study ways to expedite the issuance of licenses, permits and certificates	<b>Passed House – to Sen Gov</b>	
HB 4270	Creating the north central West Virginia regional trails and recreation authority		Gov Org
HB 4312	Verifiable Science Act		ED
HB 4322	Establishing a state trail authority		Gov Org
HB 4351	Continuing the waste tire remediation program	<b>Passed House – to Sen Gov</b>	
HB 4364	Including division of forestry employees in the assault and battery statute	<b>Passed House – to Sen Gov</b>	
HB 4382	Adding a representative of labor to surface mining board		Gov Org
HB 4428	West Virginia Protection of Air Quality Related Values Act		Jud
HB 4450	Permitting sale of timber severed in state parks in certain cases	<b>On Second Reading</b>	
HB 4454	Establishing the performance based permitting act		JUD
HB 4462	Relating to solid waste facilities handling more than thirty thousand tons of solid waste per month		JUD
HB 4480	Continuing West Virginia's participation in the interstate commission on the Potomac River basin		GOV
HB 4521	Increasing annual registration fee for underground storage tanks		JUD
HB 4570	Authorizing county litter control officers to enforce litter control ordinances		PS

(List of non-active House ATV bills: HB 4120, HB 4121, HB 4272, HB 4310, HB 4527)

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## And When W.Va. Can't Borrow? ... continued from page 7

And it's my fault. And your fault, of course, and the fault of every West Virginian who has let this happen to our state. Don't blame those folks sitting in the House of Delegates and state Senate — some of them for decades. Who put them there? And who keeps returning them?

And why? Because they bring home the bacon in the form of Budget Digest money?

Under these circumstances, just how much does the bacon really cost? And are we borrowing money to buy it that really isn't there?

Some of my sources say the day will come when West Virginia will try to sell bonds and the companies that sell bonds for states will tell West Virginia that the bonds can't be sold because the state's credit has tanked. It has happened in California and it's about to happen here, some say.

During his first run for the governor's office, Gaston Caperton was heard to say it would take a minimum of 20 years of sacrifice and tough decisions for the state to attain a level playing field among the other states.

That never happened, and now who knows how long it would take?

Meanwhile, the Legislative Auditor's Office says every year that passes, we're digging a deeper hole for ourselves. We're mortgaging our children's futures, if in fact any of our children can afford to live in this state 20 years hence.

It's no longer a rumor. We're in deep trouble and no one has a plan.





# Calendar of Events



## Public meetings for Management of the Monongahela National Forest:

### February 21: Elkins, WV:

Davis and Elkins College Gym. 10 am - 2 pm.

### February 23: Morgantown, WV:

Holiday Inn. 4 - 7 pm

### February 25: Petersburg, WV:

Public Library. 4 - 7 pm

### February 26: Pocahontas County:

WV High School. 4 pm - 7 pm

### February 27: Richwood, WV:

City Hall. 4 - 7 pm

**February 21:** Hike in George Washington National Forest. Strenuous 11 mile hike. Pond Run, Great North Mountain. (Part of WV Mountain Odyssey Outings - WV Highlands Conservancy).

**For details:** Mike Juskelis (410) 439-4964 or [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com)

**February 26:** Wildlife Diversity Day in the state capitol. Lower Rotunda, 9 a.m. to 2 p.m.

**February 28:** Hike on Half Moon Lookout/Buck Tail Trail Loop - Great North Mountain in George Washington Nat. Forest. Moderate 9 mile circuit hike. (WVHC Mtn Odyssey Outings).

**For details, contact:** Mike Juskelis (410) 439-4964 or [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com).

**March 13:** Last Day of Legislative Session.

**April 17:** Planning Your Herb Garden: What to Grow, Where and How. 10 am - 4 pm. La Paix Herb Farm,

Alum Bridge. Preregistration required. \$55 includes complimentary lunch.

**To register & more information:** (304) 269-7681, [lapaix@iolinc.net](mailto:lapaix@iolinc.net), [www.lapaixherbfarm.com](http://www.lapaixherbfarm.com)

**May 8:** Migration Celebration 2004. New River Gorge NR. From 10:00 a.m. - 5:00 p.m. Features photo workshops, nature walks, West Virginia wildlife displays, live native birds of prey, birding walks, kids activities. Sponsored by Three Rivers Avian Center.

**For more information:** [www.tracwv.org](http://www.tracwv.org) or call 1-800-721-5252

**May 15:** 2nd Annual "Artists for the Environment" Spring Benefit. Perfater Law office building lobby. Experience a beautiful day with the arts! Visual arts, music, poetry, performance, and more. Booths, art auction, yummy edibles and drinks!

**For more information and to participate:** Contact Denise Poole, [deniseap@earthlink.net](mailto:deniseap@earthlink.net) or call her at the WVEC office: (304) 346-5905.

**June 19 & 20:** Lavender & More Fair! La Paix Herb Farm, Alum Bridge, WV. Workshops, demonstrations, garden tours, lunch, music and slide shows. Admission \$5.

**For more information:** (304) 269-7681, [lapaix@iolinc.net](mailto:lapaix@iolinc.net), [www.lapaixherbfarm.com](http://www.lapaixherbfarm.com)

**July 17:** Hydrosols, Essential Oils and Distillation Workshop. La Paix Herb Farm, Alum Bridge, WV. Complimentary Lunch. Cost is \$55, pre-registration required.

**For more information and to register:** (304) 269-7681 or [lapaix@iolinc.net](mailto:lapaix@iolinc.net), [www.lapaixherbfarm.com](http://www.lapaixherbfarm.com)

## Support the West Virginia Environmental Council

1324 Virginia Street East, Charleston WV 25301

Phone: (304) 346-5905 [www.wvecouncil.org](http://www.wvecouncil.org)

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<input type="checkbox"/>	\$ 500	Canopy
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The West Virginia Environmental Council  
1324 Virginia Street East  
Charleston, WV 25301

*Time sensitive material - please deliver promptly. Thank you.*

