



*West Virginia Environmental Council's*

# **GREEN Legislative Update**

*Published Weekly During West Virginia's Legislative Session*

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## **Under the Dome**

*By Donald S. Garvin, Jr., WVEC Legislative Coordinator*

### **Week 5 – WV Needs a Mineral Trust Fund**

This was one of those *déjà vu* weeks for me at the Capitol.

Somewhere in one of my photo albums is a photograph of me shaking hands with Wyoming Governor Mike Sullivan at a Trout Unlimited barbeque at a ranch in Wilson, Wyoming, way back in 1988.

Tuesday morning found me again having my photo taken shaking hands with former Governor Mike Sullivan, this time at a breakfast meeting at the Charleston Marriott.

This was one of those special moments for me. You all know that I spend a lot of time at my family's cabin in Wyoming in the summer, so I have more than a casual interest in Wyoming politics.

Mike Sullivan has always been a hero of mine, a Democrat governor in an overwhelmingly Republican state. He was elected in 1986 and served for eight years. Then he served three years as Ambassador to Ireland in the Clinton administration. As governor, he showed that he cares about people and the environment.

On Tuesday Governor Sullivan was in West Virginia as a guest of our good friends at the WV Center on Budget & Policy, to talk about Wyoming's Permanent Mineral Trust Fund.

He told the breakfast crowd (and later members of the Senate Economic Development Committee) that in 1969, the state of Wyoming had \$80 in its bank account, so Gov. Stan Hathaway created a severance tax on coal, oil, natural gas, and other minerals. Then in 1974 Wyoming voters approved the idea of a Wyoming Permanent Mineral Trust Fund fed by a portion of the severance tax.

That fund now stands at \$5.3 billion and in fiscal year 2010, put \$142 million into the state's general fund – almost 25% of the state's budget. The fund has stabilized the state's economy and provided a financial legacy for future generations, Sullivan said.

He told a story from one of his years as governor: The investment income generated by the trust fund generally provides anywhere from 10 percent to 25 percent of the state's general revenue, he said. During the year in question, it provided 25 percent. Apart from the fund, the only thing that kept Wyoming from tipping into the red was the death of an elderly woman whose heirs were left with a \$20 million estate tax. "If we had not had that 25 percent, where would we have been?" he asked.

Sullivan provided a chart that shows how the fund grew slowly, then soared. From virtually nothing in 1975, it topped \$1 billion in FY 1990, doubled to \$2 billion by 2003 and more than doubled again — past \$4 billion — by 2009.

Senate President Jeff Kessler (D-Marshall) wants to do a similar thing for West Virginia. The Senate Economic Development Committee is now discussing his bill (SB 182) to create the West Virginia Future Fund.

SB 182 proposes putting 25 percent of any increases in severance tax collections from oil, gas and Marcellus shale gas production into the West Virginia Future Fund.

Last year, the WV Center on Budget & Policy proposed its own plan for a Mineral Trust Fund, funded by a 1-percent increase in the severance tax on all minerals. The Center says a 1-percent severance tax hike would generate \$1.7 billion in principal by 2025, and \$3.7 billion by 2035. And there would be money to spend along the way — \$583 million in 2025, \$2 billion in 2035.

The WV Center on Budget & Policy has a new report out on the issue, which criticizes Kessler's plan as generating too little money, too late.

<http://www.wvpolicy.org/downloads/WVEconomicDiversificationTrustFundRpt013012.pdf>

Both Kessler and Governor Tomblin have said they will oppose any increase in the severance tax. Too bad. The WV Center on Budget & Policy proposal would ensure that the citizens of West Virginia would share the benefits of the Marcellus shale gas boom.

(Note: Just this week Sen. Kessler introduced a different version of his bill – SB 537 – and several other bills have been introduced with various proposals of what to do with Marcellus shale severance taxes).

Remember to invest in your own songbird "trust fund" and keep the bird feeders full.



## A Spectacular E-Day

*Denise Poole, E-Day Organizer*

Wednesday we filled the halls of the state capitol for the 23<sup>rd</sup> year ... and this time, in an even more spectacular way.

We not only had representatives from 25 environmental groups and sustainable businesses, the e-council combined forces with several other progressive organizations for what we entitled “One WV – Justice for All” day. Our shared vision for the future of West Virginia and working together toward that vision enabled us to exhibit a variety of causes with the same goal - fair and balanced justice for all our issues.

A visibility event in the morning with signs reflecting messages including “One WV – Justice for All” and a multitude of specific issues carried quite an impact. Press statements from all sponsoring groups during the noon gathering brought over 100 participants together.

Rebecca Kimmons graced the House with “WV Hills” during introductions before the floor session, and sang once again during our noon gathering.



Leslee McCarty & Becky Kimmons

We’d like to thank everyone who participated and came to the capitol for E-Day and much appreciation goes to Jude Binder for her mountaintop removal performance piece; Becky Kimmons for her vocals; Senator Dan Foster, Delegates Barbara Fleischauer, John Doyle, Mike Manypenny and Bonnie Brown for addressing the crowd.



Delegate Mike Manypenny

## E-Day Awards Dinner

Congratulations once again to our 2012 Awardees; Leslee McCarty, Carol Warren, Chef Dale Hawkins, Maya Nye, Kathy Cash, Delegate Bonnie Brown and Delegate Mike Manypenny. Your work is inspirational to us all. Thanks to our award presenters D.L. Hamilton, Janet Keating, Don Spencer, Myra Bonhage-Hale, Pam Nixon and Don Garvin for honoring everyone so well.

Thanks to our e-council members who always contribute so much in order to ensure the evening runs smoothly: Frank Young, Greg Carrol, Patrick Western, Chuck Wyrostok, John Christensen, Denise Binion, Todd Garland, Gina Schrader, Tim Higgins, Mary Ellen O’Farrell, Robin Godfrey, Ethan Clark-Moschella, Molly McLaughlin and “Mother Jones” Leslee McCarty who jumped in and made salad!



Janet Keating & Carol Warren

## **Clean Elections Update**

*Carol Warren, OVEC*

The bill our coalition WV Citizens for Clean Elections requested from the Secretary of State's Office, to extend the Supreme Court Public Financing Pilot Project through the 2016 election cycle, has been introduced. It is House Bill 4416 and has been referred to Judiciary Committee, then Finance.

You will remember that the standard "matching funds provision" was struck down by a Supreme Court ruling on an Arizona case last summer, and this threw our program into doubt. One candidate, Allen Loughrey, a Kanawha County Republican, has qualified for the Pilot Program, but it is still uncertain what will happen if he needs (and is entitled to) matching funds under the current law. The Secretary of State's Office is still in discussion about how best to handle that issue, but are agreed with us that the Pilot Project has not gotten a fair trial in the manner that was intended, and they agree that better data and results can be obtained if the program is extended through the 2016 election cycle. That gives us time to work out a "fix" for the program that will provide a different matching fund plan, or larger initial grants.

Julie Archer, Todd Garland, and I met with Judiciary Chair Tim Miley, and he has agreed to take up the bill. But we still need to gain the Committee's support. Please help us by contacting members of the House Judiciary Committee (and particularly any who represent you!) and asking them to support House Bill 4416: Extending the WV Supreme Court Public Financing Pilot Project. A list of the members is at this link: [House Judiciary Committee](#). You can get the individual contact information by clicking on a member's name on the list. Please help as soon as you can, as Chairman Miley may take the bill up at any time, and we need to be sure of committee member support! Remind them that there were good reasons for this project being passed, and the reasons still exist - even more so in this post-Citizens United campaign spending climate. The idea of a judge being influenced by campaign contributions should certainly be repugnant to our sense of justice.

## **Solar Bills May Be Up For Consideration**

*By John Christensen, WVEC*

Two solar energy related bills that were carried over from last year may be brought up in the House Judiciary Committee next week.

The bills are HB 2740 and HB 2741 ("the solar bill of rights"). The lead sponsor of both bills is Del. Mike Manypenny (D-Taylor).

HB 2740 would make homeowner association covenants that restrict the installation or use of solar energy systems unenforceable. The bill sets guidelines for timely permitting as well as recognized proper installation of the solar photovoltaic and solar thermal systems and provides for recognized certified standards in materials and performance in the systems.

HB 2741 would give owners of active solar energy systems a substantial reduction on their real and personal property taxes, as it would tax the systems at salvage value for tax appraisal purposes. The bill defines that an “active solar system” can be either solar (pv) or (shw) in nature including all parts and materials. The bill also addresses new construction and how the assessment will be handled before and after subsequent change in ownership.

Passage of these bills would help keep the solar industry competitive in West Virginia.

## **“Complete Streets” Bill Under Consideration**

The House Roads and Transportation Committee began discussions this week of HB 4074, otherwise known as the “Complete Streets Bill.” Similar bills have been introduced in previous sessions, but were never taken up by the committee.

The purpose of the bill is “to include complete streets that are safe, comfortable and convenient for travel by all users, including pedestrians, bicyclists, motorists and transit riders in internal policies, plans and design guidance in the planning, development construction and maintenance of roads in this state.”

Comments in committee this week revealed that some members are concerned about the cost of the bill, and the state Department of Transportation is not overly fond of the bill, to say the least. The full committee assigned the bill to a subcommittee for further consideration.

Here’s hoping the subcommittee can work through the objections. This is a “green” transportation bill, pure and simple.

## **Landfills Getting Curiouser and Curiouser**

*By Leslee McCarty, WVEC*

E-Day brought visits from wonderful folks from around the state and we took a couple of hours to have a “Marcellus waste in landfills” meeting. Connie Miller and Amanda Pitzer of Friends of the Cheat were in town for E-Day but also to visit with DEP. Mary Ann Maul and Dr. Ronald Kihn sat in, so we had about a dozen people putting our heads together about issues related to disposal of drill cuttings from Marcellus wells in our landfills.

Friends of the Cheat are worried that there will be a landfill in their neighborhood that can bypass the normal Solid Waste Authority process and be permitted by DEP through a “Class F” permit. They will have more details on their conversation for us next week.

One thing that is clear is that we are probably not the only ones learning new terms and rules and regulations. DEP waste folks are now having to communicate more about water and oil and gas as they work their way through understanding what materials they are now looking at receiving into landfills. In a perfect world, it would have been good to deal with all of this up front before drilling into Marcellus started, but now it is happening, and we are working with what we have.

Taking drill mud under a special waste permit in lined landfills is where we find ourselves, so we are working to understand how to mitigate the consequences and perhaps get some legislation introduced.

Every time we talk to DEP we get new information and have new ideas about what we might be able to do, so that is good. What is bad is the fact that the chemicals they use now in the fracking process are exempt from being called hazardous waste under RCRA.

Threads lead back to the process of drilling and fracking, though. If they did not use so much water in the process, that would be great—and there are processes that don't use water. Or, if they could not use petrochemicals in the drill mud, like some companies using vegetable oil, that would be better.

We are thinking it might be good to set up a tour of a drilling rig that would take us through the drilling process (including watching the “mud men” make drilling mud) along with following the cuttings to a landfill so we can see it all first hand, also. Anyone know a company that would let us do that?

Meanwhile, we continue to meet and have conference calls, and talk with DEP and we are determined to keep thinking through it all and trying to come up with some solutions. Feel free to volunteer to help with this!

## **Energy Efficiency Update**

*Cathy Kunkel, Energy Efficient WV*

Unfortunately there is not much to update this week on energy efficiency bills. In last week's update, we wrote about the least-cost planning legislation, Senate Bill 162, which would require power companies to analyze the full range of options for meeting future electricity demand to determine the lowest cost path. Because energy efficiency is cheaper than building new power plants, this sort of analysis would reveal that we need to be investing more in energy efficiency.

As we reported last week, the power companies are out to gut the bill, and Senate Judiciary Committee Chairman Corey Palumbo (D-Kanawha) is reluctant to put the bill onto the committee's agenda if the power companies are opposed. We are already halfway through the legislative session and this is the bill's first committee – clearly the power companies' game is to hold up the bill until it is too late. Please call Chairman Palumbo and ask him to stand up to the power companies and put Senate Bill 162 on the committee's agenda: 304-357-7880.

We are also working on H.B. 4363, which would set long term targets for our electric utilities to save money through energy efficiency. This bill is currently in the House Judiciary Committee, and the majority of committee members appear to be in favor of it. We will be speaking to the committee chairman next week about putting it on their agenda.



## *In the News . . .*

**Poor Environmental Scores for WV Congressional Delegation** – The League of Conservation Voters released its Congressional Scorecard this week. The scoring was calculated based on 11 Senate and 35 House votes in the 112th Congress.

Sen. Jay Rockefeller (D-WV) was one of 31 Senators to receive a perfect score on the organization's assessment. Sen. Joe Manchin (D-WV) scored a 64 out of 100. House members from West Virginia fared much worse on the LCV's assessment, with Rep. Nick Rahall (D-WV) scoring a 51; Rep. Shelley Moore Capito (R-WV) scoring 17, and Rep. David McKinley (R-WV) scoring just 11 points.

The full score card is available at <http://www.lcv.org/scorecard/scorecardweb.pdf>

**FirstEnergy to Close Three Aging Power Plants in WV** – (AP) FirstEnergy announced Wednesday that subsidiary Monongahela Power will retire the Albright, Willow Island and Rivesville power stations by Sept. 1. The plants employ a total 105 workers. Six coal-fired power plants in Ohio, Pennsylvania and Maryland also will be retired.

Akron, Ohio-based FirstEnergy attributed the shutdowns to new federal environmental regulations. The regulations are designed to reduce emissions of mercury and other toxic pollutants from coal- and oil-fired plants.

FirstEnergy says the three plants' total generating capacity is about 3 percent of the electricity produced by the company. Over the past three years, they generated less than 1 percent of the company's electricity and served mostly as peaking facilities.

**Cracker Tax Break Could Cost Locality \$300 Million** -- A tax break that Gov. Earl Ray Tomblin rushed through the Legislature to try to lure a natural gas "cracker" plant to West Virginia could cost the community where such a facility locates \$300 million in revenues for schools and other local government efforts, according to an analysis released Friday by the West Virginia Center for Budget and Policy.

The reduced property taxes allowed under the bill would save the developers of any cracker facility an average of \$12 million per year over the next 25 years.

***Think Renewable***



*(The following article appeared in the February 8<sup>th</sup> Charleston Gazette. The author is well known to West Virginia environmentalists)*

## **W.Va.'s Glass of Water Half Empty**

*By John David*

In addition to coal and gas, West Virginia possesses another extremely valuable resource: water. In fact, the state owns the water in all streams and rivers within the state as well as several rivers, such as the Ohio, that border the state.

We have all been taught that water is essential for life, although less than 1 percent of the Earth's water is available for us to use.

The demand for water for other purposes is escalating. Most people take water for granted until there's not enough. Disasters such as earthquakes and floods draw attention to destroyed aquifers and polluted water streams. Billions of gallons are needed to clean coal and implement the hydraulic fracturing process to force out natural gas -- a process that is projected to increase significantly as the use of natural gas for electricity rises to half of the nation's generating capacity. In Texas, according to The Wall Street Journal, each well using hydraulic fracturing weekly requires enormous quantities of water and companies are scrambling to lock up water supplies. Production for nearly everything consumed requires major water use as well. National Geographic even notes that it takes 2,900 gallons of water to produce one pair of jeans. Meanwhile, as noted by Maureen McAvay of the Urban Land Institute, the U.S. water footprint is huge -- 656,000 gallons per person per year compared to 186,000 gallons in China. The U.S. daily indoor per capita water use is 69.3 gallons.

While wasteful use of water is a problem, a second issue is the contamination of our water supply.

Our water comes from surface runoff, abandoned coal mines, and underground water that can be affected by conditions hundreds of miles away. Burying trash, slurries, CO<sub>2</sub>, and drilling fluids including human carcinogens such as methanol, benzene, sulfuric acid, and lead combined with a vast volume of water used in fracking may assist tourism and postpone the day of reckoning, but eventually it aggravates the problem of water contamination caused by various chemicals and household wastes.

In Dimock Township, Pa., The Associated Press reports that the Environmental Protection Agency is delivering water where Cabot Gas "has been accused of tainting homeowners wells with methane and possible hazardous chemicals." Furthermore, according to the EPA, nearly half of lakes and reservoirs nationwide contain fish with potentially harmful levels of the toxic metal mercury. The Wall Street Journal notes that livestock and poultry operations generate about 500 million tons of manure each year, or about three times the amount of human waste in the U.S., with much of that waste untreated and deposited into public waterways. The runoff, which can contain E. coli and other bacteria, can threaten human health.



There is also another possible issue with hydraulic fracturing that relates to diversion of the water supply from existing aquifers. As noted by The Associated Press, Ohio became the latest state to take action on the link between seismic activity and wells used to dispose of wastewater from oil and gas production after a series of 4.0 magnitude earthquakes hit northern Ohio over the holidays. According to the report, "Arkansas regulators last year declared a moratorium in injection wells in the vicinity of a series of earthquakes and in 2010 researchers at Southern Methodist University also found a link between injection wells in the Dallas-Fort Worth area and nearby quakes." A related concern has been raised by earthquakes that recently have occurred in Braxton County.

A third issue is noted in a study by the U.S. Geological Survey. The alarming study identified pharmaceutical drugs, including antibiotics, hormones, contraceptives, and steroids in the drinking water supplies of some 40 million Americans and in 80 percent of the rivers and streams sampled.

The cost of water is about to explode as clean water becomes scarcer. Since water is the base for many other drinks and various food products, scarce water supplies will have an expensive impact throughout the chain of consumer goods. Overall water tables have fallen, increasing the cost of energy needed to pump the water. Reports also note that the quality of available water has declined, which increased the cost of maintaining water quality. Judging from weather patterns and the increased improper disposal of toxics and garbage, present costs are likely the tip of the iceberg.

It's no surprise that major financiers are beginning to invest in water, primarily through Exchange Traded Funds (ETFs). Kevin Bannon, chief investment officer at Highmount Capital, which manages \$1.8 billion from high net-worth individuals, recently noted in The Wall Street Journal that "we are big fans of water as a long-term theme -- water's day will come."

West Virginia does not treat its water supply with adequate oversight. For example, mountaintop mines are permitted on top of Source Water Protection Areas that provide public water, industrial discharge is permitted to enter waterways and streams, and stream use permits are granted for a token fee to divert and contaminate water. According to Public Justice, which has been working with WV Highlands Conservancy and the WV Rivers Coalition, the state has finally agreed to "comply with water quality standards at 169 abandoned coal mining sites, where acid mine drainage continues to kill aquatic life downstream."

Thus, it was not surprising that during the recent interim session, the Legislature was advised to increase the state's scrutiny of water consumption by large-scale users such as power plants and industry, as other neighboring states have done.

Without question, tremendous strides have been made to bring dependable, clean water to rural areas in West Virginia during the past 50 years. Water is "an essential" and one of the primary components in our right to "life, liberty, and the pursuit of happiness." Yet, like clean air, clean and dependable water may become financially unaffordable for those who rely on minimum wage or part-time work. Furthermore, bad water breeds disease, thereby contributing to permanent health problems and hurting the physical development of people destined to become

the work force and citizenry of tomorrow. Such conditions are hardly conducive to economic development and building a new economy. It is time to realize that the glass of water in West Virginia is half empty.

David, a professor at WVU-Tech, is a Gazette contributing columnist.

<http://www.wvgazette.com/Opinion/OpEdCommentaries/201202080099>



## **Happy Valentine's Day ..... Send Us Your Love ...**

Please remember your hard working lobby team this Valentine's Day week ... if any of our readers would like to send WVEC a valentine in the form of a donation, you would most definitely make our day.

Here we are – already at the half way point for this session. Thirty days down – thirty to go!! We are in need of additional support to ensure we have enough funding to see us through to the end.

WVEC thanks each and every one of you for your generosity in response to our most recent appeal letter, the continued donations, attendance at our “Legislative Kick Off Blast” and E-Day. The lobby team will continue to “do you proud” and work intensely at the capitol on our issues.

## **UC Speaker Series – “Energy: Who's got the Power?”**

*By John Christensen, WVEC*

The first installment of a University of Charleston guest speaker series began this week with a program entitled, “Energy: Who's got the Power?” The UC Speaker Series has been made available to the Greater Charleston community through generous sponsorship by the Dow Chemical Foundation who also showcased a donated Geary Auditorium stage curtain with the new UC emblem.

I attended the program due to its interesting theme and featured speaker Nick Akins, President and CEO of American Electric Power. His company represents over 5.3 million customers in 11 states, which also includes a large portion of the Mountain State. Mr. Akins has nearly 30 years of electrical engineering experience and rose through the ranks to his present position having been elected to president of AEP in Dec. 2010.

His views on the state of the power industry were both informative and inspiring to me as he stated without reservation that no new coal generation plants were being planned in the foreseeable future as well as his candid opinions on climate change and the future of renewable energy. He also took many questions from the large audience.

He talked at length about controversial issues including the Carbon Sequestration and Storage Mountaineer project and referred to it as “on hold” due to lack of funding but later contradicted himself by alluding to the pilot project as a failure.

Mr. Akins also said it was extremely difficult to permit large transmission projects like the PATH 765 KVA line which he called “suspended” and left the door open by saying that his company was the only one in the US that had a permitted 765 KVA line. He explained that it took 16 years to accomplish the one in Virginia, 14 years to permit and 2 years to construct.

I submitted the following question in writing: Do you believe that energy efficiency, integrated resource planning, demand response, and renewable energy would lead a transition towards a clean energy future? Mr. Akins answered by dancing around the short answer and extolled the virtues of each topic separately before giving the short answer of YES.

My second written question was: Do you prefer to be a regulated or unregulated utility? He answered matter-of-factly that he preferred to be regulated and thought that it was best for all parties to be handled that way.

I was glad that I attended this event, and I can’t wait until the next installment that is entitled “Climate Change and Power Solutions.” The presenter will be Eban Goodstein who is Director of the Bard Center for Environmental Policy. It’s on Feb. 22, same time and place. Be there or be square!

### Bills We Are Tracking

Bill Number	Title	Committee
<b>Senate Bills</b>		
SB 15	Energy Efficient Building Act	Gov Org
SB 25	Public health assessment of DEP rules ( <i>WVEC Bill</i> )	Judiciary
SB 40	Composting tax credit	<b>To Finance</b>
SB 57	Additional regulation of timbering on public lands ( <i>GREAT Bill</i> )	Nat Res
SB 76	Green Buildings Act ( <i>GREAT Bill</i> )	Gov Org
SB 88	Jobs Impact Statement Act ( <i>Devil in the Details</i> )	Econ Dev
SB 157	Dedicating portion of oil and gas severance tax to county of origin	EIM
SB 162	Requiring “least-cost” planning by electric utilities ( <i>EEWV Bill</i> )	Judiciary
SB 180	Granting surface owner right of first refusal to purchase mineral estate	EIM
SB 182	Creating West Virginia Future Fund	Econ Dev
SB 200	Eliminating timber severance tax for additional three years	EIM
SB 220	Management of Coopers Rock State Forest ( <i>GREAT Bill</i> )	Nat Res
SB 348	Quality Control Procedure for Agency Rules Act ( <i>Terrible Bill</i> )	Gov Org
SB 387	Requiring training of floodplain managers	Gov Org
SB 391	Reduced utility rates for low-income residential customers	<b>To Finance</b>
SB 402	Streamlining legislative rule-making review process ( <i>Devil in the Details</i> )	Judiciary
SB 466	Creating Alternative Coal Slurry Disposal Act ( <i>Incentives Only</i> )	<b>To Finance</b>
SB 497	Awarding attorney fees and costs in mining permit appeals ( <i>DEP Bill</i> )	Judiciary
SB 522	Creating WVU Shale Research Center	Education
SB 529	Compliance credit requirements for alternative and renewable energy sources	EIM

SB 537	Creating WV Sustainable Wealth Fund	Econ Dev
SB 552	Creating WV Land Stewardship Corporation Act ( <i>Devil in the Details</i> )	Econ Dev
SB 562	Regarding DEP narrative water quality standard	Nat Res
SB 570	Requiring DEP maintain Office of Internal Auditing	Gov Org

**House Bills**

HB 2024	Green Buildings Act ( <i>WVEC Bill</i> )	Gov Org
HB 2025	West Virginia Energy Efficiency Act ( <i>WVEC Bill</i> )	Gov Org
HB 2030	Additional severance tax for Surface Mine Reclamation Fund ( <i>Great Bill</i> )	EIL
HB 2056	West Virginia Renewable Energy Act ( <i>Great Bill</i> )	EIL
HB 2136	Plastic Shopping Bag Excise Tax Act ( <i>Good Idea</i> )	Finance
HB 2153	Requiring DEP to remediate waste tire piles ( <i>Failed Last Year</i> )	Judiciary
HB 2219	Verifiable Science Act ( <i>Perennial Terrible Bill</i> )	Gov Org
HB 2232	Allowing planning and zoning restrictions for mining and manufacturing activities	EIL
HB 2401	Renewable Portfolio Standards Sustainable Energy Act ( <i>WVEC Bill</i> )	EIL
HB 2740	Preventing covenants restricting the use of solar energy systems ( <i>WVEC Bill</i> )	Judiciary
HB 2741	Exempting active solar energy systems from taxation ( <i>WVEC Bill</i> )	Judiciary
HB 2795	Jobs Impact Statement Act ( <i>Devil in the Details</i> )	EIL
HB 2814	Bottle Bill ( <i>Great Bill Again</i> )	Judiciary
HB 2940	Requiring liners in all new surface coal-waste impoundments	EIL
HB 3088	West Virginia Energy Efficiency Act	Gov Org
HB 3129	Creating Renewable Energy Expansion Fund	Gov Org
HB 4016	Supreme Court Public Campaign Financing Fund revenues	Judiciary
HB 4044	Tax credits for energy efficient buildings	Finance
HB 4049	Requiring DEP to maintain an Office of Internal Auditing	Finance
HB 4086	Governor’s ethane “cracker” plant tax credit bill	<b>Signed by Governor</b>
HB 4074	“Complete Streets” Bill	Transportation
HB 4094	Eliminating timber severance tax for additional three years	Finance
HB 4283	Awarding attorney fees and costs in mining permit appeals ( <i>DEP Bill</i> )	Judiciary
HB 4313	Requiring that the building code be the state building code	<b>To Judiciary</b>
HB 4316	Prohibiting underground injection of coal slurry ( <i>Sludge Safety Project Bill</i> )	EIL
HB 4363	Energy efficiency for electric and gas utilities ( <i>EEWV Bill</i> )	Judiciary
HB 4416	Extending WV Supreme Court Public Campaign Financing Pilot Program	Judiciary
HB 4437	Permitting certain ski resorts to be limited gaming facilities	Judiciary
HB 4446	Relating to oil and gas severance taxes collected	Judiciary
HB 4457	Eliminating the real property tax on non-producing mineral estates	Judiciary
HB 4473	Dedicating a portion of natural gas severance tax proceeds	Finance
HB 4492	Requiring certain licensees to take continuing education in green building	EIL
HB 4494	Continuing education requirement of building code inspectors	Gov Org
HB 4498	Compassionate Use Act for Medical Cannabis	Health

(NOTE: SB 253 is the Senate DEP rules bundle).

 **Calendar of Events** 

**February 25:** Buffalo Creek Day. Commemorating the 40<sup>th</sup> Anniversary of the Buffalo Creek disaster. State Capitol Lower Rotunda. 2 pm – 5 pm. Speakers, music, press event & more.

**March 5:** Coal Heritage Public Lecture Series: “Violence in the Coal Fields” by Paul Rakes, former coal miner and currently on the faculty of WVU-WV Tech. He recently completed research and published an article about the early coal camps and the violence that was a way of life for coal miners. Location: Beckley Center of Concord University, Beckley WV. Room E10, Erma Byrd Higher Education Center on Airport Road. 7 PM. Free and open to the public.

**March 10:** Legislative Session ends.

## Legislative Session 2012 Information Sources:

### Legislative Reference & Information Center:

MB-27, Bld. 1 - State Capitol Complex, Charleston WV 25305

**WV Legislative web-site:** [www.legis.state.wv.us](http://www.legis.state.wv.us)

(For bill tracking, bulletin board (journals), legislators' e-mails.)

**To Call Toll Free:** 1-877-565-3447 or local Charleston area: (304) 347-4836

**Listen Live:** West Virginia Legislature page <http://www.legis.state.wv.us/> and click on "listen live."

**WV Environmental Council Web-site:** [www.wvecouncil.org](http://www.wvecouncil.org)

WVEC Office: (304) 414-0143

### Ohio Valley Environmental Coalition:

[www.ohvec.org/ovec\\_news.html](http://www.ohvec.org/ovec_news.html) and [www.ohvec.org/news\\_gen.html](http://www.ohvec.org/news_gen.html) daily.

Every morning, OVEC checks scores of news sources and posts links.

*Legislative Update* is published by the West Virginia Environmental Council (WVEC) – a statewide organization dedicated to facilitating communication and cooperation among citizens in promoting environmental protection in West Virginia. *Legislative Update* is published weekly during the regular Legislative Session.

We welcome letters, articles, and artwork from readers and reserve the right to edit or reject submissions. Please send materials to Denise Poole, *editor* at [deniseap@earthlink.net](mailto:deniseap@earthlink.net)

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## Support the West Virginia Environmental Council

2206 Washington Street East, Charleston WV 25311

Phone: (304) 414-0143 [www.wvecouncil.org](http://www.wvecouncil.org)

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Enviro Steward:	_____ \$250	Canopy:	_____ \$500
Old Growth:	_____ \$1,000	Other:	_____

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WVEC Legislative Update Newsletter

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