



West Virginia Environmental Council's

GREEN Legislative Update

Published Weekly during West Virginia's Legislative Session

Volume: 23 Number: 7

Date: April 1, 2013

Under the Dome

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Week 7 – Crunch Time

Just a quick scan of our ever-growing Bill Tracking list will reveal that a lot of bills, mainly bad, but some good, are still in play this session.

But it is crunch time, and in just a few hours we will know which bills have survived the process thus far.

Friday was the last day bills could be past out of committee in order that they can be read on three consecutive days on either the House or Senate floor. And that is because Wednesday, April 3, is “cross-over” day – the last day to consider bills on third reading in the house of origin.

So, while our Bill Tracking list should quit growing (what a relief), for the next day or two there will be a lot of pressure to get bills passed out of one chamber or the other.

The pressure is intense. And emotions are running high.

Case in point: In a long and grueling House Judiciary Committee meeting late Friday afternoon, instead of running HB 2803, requiring electric utilities to implement integrated resource plans which could ultimately save money on rate payers electric bills, the committee chairman instead ran HB 2176, a carryover bill from last session on net metering, and then attempted to strike the language in that bill and insert the language from HB 2803.

This was an attempt, no doubt, to catch the lobbyists from the coal industry and the electric utility industry off guard. It set off a flurry of activity between lobbyists and legislators in the hallway outside the committee meeting room.

It was confusing. The bill died on an 11 – 11 committee vote. I was told later by at least one delegate that he voted against the bill because he “was confused.”

During the debate on the bill, I sat and watched the faces of Cathy Kunkel and Stacy Gloss, our friends at Energy Efficient West Virginia who have worked so hard this session to get HB 2803 advanced. The looks on their faces were stoic. And after the vote, they couldn't have left the room any faster.

But I know how they must have felt.

Our good friend Bill Howley has written more about the way all this was handled on his blog at <http://calhounpowerline.com/2013/03/31/coal-industry-pulls-the-string-delegates-dance-wv-electric-rates-continue-to-rise/>.

It may be Spring but our fine-feathered friends are still looking for food, so please keep those bird feeders full.

On Women in the State Senate

Charleston Gazette columnist Phil Kabler included the following notable remarks in his March 24 "Statehouse Beat" column:

"Finally, the death this week of **Jae Spears**, the first and only woman to serve as Senate majority leader, and chairwoman of the powerful Senate Finance and Government Organization committees, reminded me how many remarkable women were serving in the Senate during the first session I covered, in 1990.

"In addition to Spears, who chaired Government Organization that session, there was Education Chairwoman **Sondra Lucht**, whose fierce determination made up for her small stature; the legendary **Thais Blatnik**; **Donna Boley**, who was minority leader by virtue of being the only Republican in the Senate; **Charlotte Pritt**, who would become the Democratic nominee for governor six years later; and **Martha Wehrle**, who as a Vassar and Harvard grad commanded great respect among her colleagues. (I always likened her demeanor to Mrs. Pynchon on "Lou Grant.")

"Alas, of those only Sen. Boley continues to serve. She is currently the only woman among the 34 members of the Senate."

We could not agree more, Phil.



Higher Electric Bills for Mon Power Customers? A Public Forum on the Future of the Harrison Power Station

Thursday, April 4th
6:00 - 7:30 PM
Caperton Center
501 Main St, Clarksburg, WV

FirstEnergy wants to transfer ownership of the Harrison Power Station from its Ohio subsidiary to its West Virginia subsidiaries, Mon Power & Potomac Edison. To pay for this \$1.1 billion transfer, they propose to raise electric rates by 6% (on top of the 46% rise in electric rates West Virginians have seen since 2007).

A better alternative is for FirstEnergy to create thousands of jobs and lower our bills by aggressively expanding their energy efficiency programs such as energy audits, weatherizing houses and businesses, installing programmable thermostats, and much more.

Join us to explore these and related issues, to find out what you can do, and to take immediate action at a public forum on April 4th. Various speakers, including the WV Consumer Advocate Byron Harris, will describe in depth the proposal that FirstEnergy has before the WV Public Service Commission, followed by a question and answer session.

If you use Facebook, please RSVP and invite your friends [to this event](#)

Bills We Are Tracking

Bad Bills:

Coal Industry Bills:

- H.B. 2352, Clarifying that the West Virginia Department of Environmental Protection does not assume a mine operator's obligations or liabilities under the Water Pollution Control Act. Passed House EIL with amendment 3/20/13; passed Judiciary 3/29/13. On first reading Special Calendar 4/01/13.
- HB 2571 (same as SB 598), which would further weaken the conflict-of-interest provisions for members of the state Environmental Quality Board. Passed Gov Org with committee substitute 3/27/13. On third reading Special Calendar 4/01/13.
- HB 2579 (same as SB 472), which would delay efforts to force the coal industry to clean up its selenium pollution. Passed the House 99 - 0 on 3/08/13. Passed Senate EIM 3/12/13, to Senate Judiciary.
- HB 2597 (similar to SB 56), creating the Intrastate Coal and Use Act, which would eliminate federal oversight of coal mined and burned within the state. Passed House EIL with amendment 3/20/13 to Judiciary.

- SB 488 (similar to HB 2907), Relating to property crimes committed against coal mines and industrial facilities. Passed Senate EIM 3/19/13 to Senate Judiciary with weakening amendment; Judiciary passed committee substitute 3/26/13. Passed Senate to House 3/29/13.
- SB 629, Limiting liability of landowners, operators and contractors in water pollution abatement projects. Passed Senate EIM 3/26/13 to Senate Judiciary.
- HB 3072, West Virginia Coal Employment Enhancement Act. Provides significant tax credit to coal producers who sell coal to taxpayers who increase their consumption of West Virginia coal. Passed House EIL, then House Finance. On first reading Special Calendar 4/01/13.

The Governor's Bills:

- SB 187 (same as HB 2507), which would allow the Governor, or the Speaker of the House, or the Senate President to require a "Jobs Impact Statement" on any proposed legislation. Passed Senate Economic Development with amendment 3/13/13; passed Senate Finance 3/20/13 with amendment removed; on second reading 3/25/13. Passed Senate to House 3/26/13. In House Judiciary.
- HB 2590 (same as SB 342), which would create a "WV Land Stewardship Corporation" that could by-pass current brownfields law. Passed House EIL with amendment 3/13/13; passed House Judiciary 3/19/13 with amendments; on second reading, Special Calendar 3/25/13. Passed House to Senate 3/26/13; to Senate Gov Org. SB 342 passed Senate Economic Development 3/20/13, to Gov Org.
- SB 185 (same as HB 2506), which would remove electric and hybrid-electric vehicles from eligibility for the alternatively fueled vehicle tax credit. Passed Senate Transportation 3/22/13 to Senate Finance with amendment restoring the tax credits for electric and hybrid-electric vehicles. Passed Senate Finance 3/26/13, with amendment removed. On third reading 4/01/13 – Passed with a 33-1 vote.
- SB 424 (same as HB 2826), DEP's bill terminating state's jurisdiction over certain surface mining operation sites.

Others:

- SB 98, creating the Shale Research, Education, Policy and Economic Development Center at WVU (Senate Education Committee). Committee substitute passed Education to Finance 3/26/13. Passed Finance 3/28/13. On second reading 4/01/13.
- SB 449, Removing the ban on disposal of electronic devices in landfills. Passed Senate Gov Org 3/19/13, to Senate Judiciary.
- HB 3148, Creating the "ATV and UTV Recreation Act", the bill would allow ATV use on all public lands. To Roads and Transportation; pulled from committee agenda 3/27/13.
- HB 3060, Authorizing the Oil and Gas Conservation Commission to regulate horizontal deep well spacing. Passed Judiciary; on first reading House Special Calendar 4/01/13.

Good Bills:

- SB 621 (same as HB 3089), Requiring DHHR prepare public health impact assessment of any new air quality or water quality standards proposed by DEP (WVEC bill). (In Judiciary Committee).
- SB 158 (same as HB 2494), Creating the “Complete Streets Act”. Passed Senate Transportation 3/12/13 with amendment; passed Senate Gov Org with amendment 3/20/13. On second reading 3/25/13. Passed Senate to House Gov Org 3/27/13.
- HB 2805 (same as SB 413), Making the Supreme Court Public Campaign Financing Act permanent. Passed House Judiciary 3/12/13, passed House Finance 3/29/13. On first reading Special Calendar 4/01/13. SB 413 passed Senate Judiciary 3/26/13 to Senate Finance.
- SB 551 (same as HB 2875), Continuing residential solar energy tax credits. Passed Economic Development 3/20/13 to Senate Finance. HB 2875 still in House EIL.
- SB 167, Creating the “West Virginia Future Fund”. Passed Economic Development with committee substitute, placed on second reading to Finance 3/27/13.
- SB 196, Partial Transfer of Management of Coopers Rock State Forest to DNR Parks from Division of Forestry. (In Natural Resources Committee).
- HB 2152, Relating to “closed loop” systems for horizontal well drilling and fracturing. (In Judiciary Committee).
- HB 2803, Requiring electric utilities to implement integrated resource plans (EEWV bill). On 3/29/13 House Judiciary amended this bill with a strike and insert amendment into HB 2176. The bill died on an 11 – 11 committee vote.
- HB 2210, Relating to energy efficiency for utilities and their customers (EEWV bill). (In House Judiciary Committee).
- HB 2200, EnergyStar tax credit for building or renovating buildings. (In House Finance Committee).

Rules We Are Tracking

(NOTE: On 3/21/13 all of the DEP rules bills were bundled into one bill – SB 243. The bill passed the Senate on 3/27/13, and was introduced in the House and referred to House Judiciary on 3/28/13).

[87CSR4](#) (SB 251), the Fire Commission rule updating the energy code within the state building code to the 2009 International Energy Code standards, was passed out of Senate Gov Org 2/27/13 to Senate Judiciary. Meanwhile, the House took up its version of the rule, HB 2660. It passed out of House Gov Org, then Judiciary, and was bundled into HB 2626. It is on third reading House Calendar 4/01/13.

[61CSR28](#) (SB 261), the Agriculture rule relating to poultry litter and manure movement into primary poultry breeder rearing areas, was passed out of Senate Agriculture 2/25/13; next passed out of Senate Finance 3/06/13 to Senate Judiciary. Meanwhile, the House took up its version of the rule, HB 2645. It passed out of House Finance, then out of House Judiciary, and was bundled into HB 2689. It is on first reading Special Calendar 4/01/13.

Calendar of Events

April 4: Public Forum on the Future of the Harrison Power Station. Regarding a utility ownership transfer that would increase customer electricity rates. To be held at the Caperton Center (501 Main Street), Clarksburg, WV. 6:00 – 7:30 PM. Hosted by, WV North Central Democracy for America and the WV chapter of the Sierra Club.

April 8: Discussion On Health & Surface Mining with Dr. Michael Hendryx. (Second community forum of the coalfield Environmental Health Project). To be held at the Historic Oak Hill School, 140 School Street, Oak Hill, WV. 6 p.m. Free and open to the public. Sponsored by, the Southern Appalachian Labor School and the Plateau Action Network.

April 12-20: WV International Film Festival ~ “Love Springs Eternal”. WVSU Capitol Center Theater, 123 Summers Street, Charleston. Admission: \$8 per film; Students \$5; Six pack bundle \$30. Some opening films held at other locations – visit website for complete details, list and times for films: www.wviff.org

April 13: Last day of 2013 regular legislative session.

April 15: The WV International Film Festival honors the late WV film pioneer Robert (Bob) Gates. WVSU Capitol Center Theater, 123 Summers Street, Charleston. 6:00 p.m. and 10:00 p.m. “In Memory of the Land and People”, Morris Family Old Time Music Festival”, “Mucked”, “Communication from Weber”, “Twelve Tall Stacks” will be screened. Suggested donation: \$8.

April 16-18: Good Jobs Green Jobs Conference. The Hilton Hotel, Washington, D.C. Theme: Let’s Get to Work: Climate Change, Infrastructure and Innovation. Cost: \$225 Full Conf., \$125 for 1 Day, \$50 for Wed. evening networking reception, and \$50 for a Plenary Pass – to all 4 sessions.

For more information & to register: www.greenjobsconference.org

April 20: Greenbrier County’s Sustainability Fair. To be held at the Community Center – the Clifford Armory. Eco-Community Plan revealed, plus plans for creating a greener future. Groups from around the state invited to participate. Sponsored by, Main Street Ronceverte. For more information: mainstreetroncovertepres@gmail.com

April 20-21: Tree Planting – Red Spruce Ecosystem Restoration. Canaan Valley National Wildlife Refuge. Meet at the Refuge Headquarters & Visitor Center at 9 a.m. each day. Come dressed for the weather (sturdy shoes or boots & bring gloves). Lunch provided. Please RSVP! For more information: www.restoreredspruce.org or contact Dave Saville: daves@labyrinth.net or (304) 692-8118.

May 22: Energy Efficiency in West Virginia Conference. Marshall University ~ Foundation Hall, Huntington WV. 8:30 a.m. – 3:30 p.m. Speakers include experts from various state and government agencies, private organizations and academic institutions. For more information and registration: www.ohvec.org

June 29-30: (Save the date) - Wellness and Water II: Health Impacts of Fossil Fuel Extraction Conference. To be held at WV Wesleyan College, Buckhannon WV. To include speakers and workshops related to both coal and gas affected communities. Overnight housing and meals will be available. *More detailed information available soon.*

► To have your event posted, please contact Denise Poole: deniseap@earthlink.net

Legislative Session 2013 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

(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

WVEC Office: (304) 414-0143

Ohio Valley Environmental Coalition: <http://ohvec.org/news.php>

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

WV Citizen Action Group: <http://www.wvcaq.org>

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

WVU 50/50 Solar Decathlon Challenge / Fundraiser

Our WVEC / WVU 50/50 Fundraising effort continues: WVU students entered and qualified for the U.S. Department of Energy Solar Decathlon Challenge and will be going to Orange County California October 3-13th. Groundbreaking for the project on campus is April 18th at 10 AM - the public is invited to attend. Half of the funds raised through WVEC during this time **designated** for our **50/50 challenge** go in support of the **WVU Solar Decathlon Challenge**, and half go in support of **WVEC**.

To learn more: www.wvecouncil.org – follow link at the top of front page. Mountain View Solar: www.mtvsolar.com

I'd like to donate to the 50/50 WVU Solar Decathlon Challenge in the amount of:

\$ _____

(Make checks payable to WVEC - be sure to note the 50/50 challenge. 1/2 of this donation is tax-deductible).

Name & Address: _____

Support the West Virginia Environmental Council

P.O. Box 1007, Charleston WV 25324

Phone: (304) 414-0143 www.wvecouncil.org

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Phone: _____ e-mail: _____

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

WVEC is a 501-C4 not for profit organization registered with the WV Secretary of State. Donations are not tax deductible.

WVEC Legislative Update Newsletter

April 1, 2013