



Green Legislative Update

Published Weekly During West Virginia's Legislative Session

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Under The Dome

By Donald S. Garvin, Jr., WVEC Leg. Coordinator

Week 2 - The Political Zoo

There was a spate of news stories this week dealing with governmental and political hijinks to remind us all that it's still a jungle out there.

Where to start?

Well, here's a good one. The acting director of the state Division of General Services was fired Tuesday, after investigators discovered a computerized movie - and music - pirating operation in a basement office at the Capitol.

It turns out that General Services bought about \$88,000 of computer equipment in the last three years, and some of the computers were used for the piracy studio, while others cannot be found.

Amazing.

Meanwhile, an investigation by the Charleston Gazette revealed that Secretary of State Betty Ireland paid more than \$145,000 to a Charleston technology firm last year without bidding out the contract, as required by law.

Ireland reportedly said, "Everyone had the perception we were exempt from purchasing rules."

The Gazette also discovered that the Governor's office paid more than \$41,000 to Boll Furniture of Charleston last year without bidding out the contract, as required by law. Manchin's staff broke the contract into 17 separate purchases, each under the \$10,000 limit that would require competitive bidding for the purchases.

In addition, the Gazette reported that a technology company founded by the Governor's daughter, her ex-husband and Manchin's brother-in-law received multimillion dollar subcontracts to do work for Manchin when he

Collision Of The Curves

By Allan Tweddle, WVEC Lobbyist

None of us would think about driving without insurance. Indeed, we are legally required to be insured—both by law and good common sense. Even the safest drivers now and then come close to a collision. Alas, a few us have had that experience. We may drive for years along the same roads without the misfortune of a collision, yet it is always out there ahead of us as a possibility. If it happens, we are grateful that we have our insurance to cover us—although we grumbled at the annoying expense.

Try as we might to anticipate what might be ahead, we never know what is around the next curve until we get there.

A lot of life is like that.

Well, we're all heading for a collision of curves ahead—our demand for energy. Katrina and her girlfriends gave us the wake up call. Whether it is a monopolistically artificial increase or pure Keynesian economics, the price curve of the finite fossil fuels is climbing more steeply than it ever has.

It is interesting to note, for example, that the Australian scientists recently determined that carbon sequestration will probably double the cost of coal fired electric power. So far, American research into sequestration has been suspiciously silent about the anticipated costs.

In the meantime, the price of the infinite energy sources, like sun and wind, is dropping. While a residential photovoltaic (PV) solar system using rigid silicon panels could cost between \$15,000 and \$25,000 today, new breakthroughs using Mylar forecast cutting those costs in half. (Mylar is the material in your

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Please send us your e-mail addresses to receive all **Legislative Updates**, **Action Alerts** and **WVEC notices** quickly!

If you are receiving this newsletter via "land-mail" we'd love to send it to you on line instead! To ensure **all** WVEC members receive *Update* and other important information, we keep a list of supporters who either do not have e-mail addresses and/or those we do not have one for.

We are in the process of updating our database, e-list serve and reducing the number of paper copies we print, collate and mail each Friday during the regular legislative session.

Please send your best and most recent e-mail address to:
deniseap@earthlink.net.

We honor all requests for those who prefer to continue to receive a paper copy through the regular mail.



E-Day! at the Capitol - Valentine's Day !

Tuesday, February 14th from 10 AM ~ 3 PM
Lower Rotunda

Don't miss E-Day! at the Capitol this year! Tell all your friends to join you in carpooling to the capitol for a full day of citizen lobbying, gathering the latest information on environmental issues and getting together with folks from around the state. Mark your calendar now, as E-Day! is just around the corner (less than a month away!)

Set up time for organizations and sustainable businesses begins at 8:00 am.

To register your organization or sustainable business: call Denise or
deniseap@earthlink.net

For more information: Call WVEC office, (304) 346-5905.

E-Day Reception & Award Presentations ~

Perfater Law Building, Virginia Street East, Charleston from 6 pm ~ 10 pm

For more information: WVEC office - (304) 346-5905.



Legislative Session 2006 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

WV Environmental Council Web-site: www.wvecouncil.org

Ohio Valley Environmental Coalition: If you want to easily get the latest news during the legislative session, check www.ohvec.org/ovec_news.html and www.ohvec.org/news_gen.html daily. Every morning, OVEC checks scores of news sources and post links to make it easier for you to stay informed.

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www.wvecouncil.org

Legislative Update welcomes letters, articles, and art work from readers and reserves the right to edit or reject submissions. Please send materials to:

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Under The Dome ... cont. from page 1

was Secretary Of State. These were also no-bid contracts.

Amazing.

Then there was the report that a man who called himself a pastor talked a local mattress company into donating about \$15,000 in bedding for hurricane Katrina victims who never showed up!

Unbelievable.

And in the House of Delegates Thursday, action was brought to a virtual stop when Delegate Kelli Sobonya (R-Cabell) demanded legislation dealing with college scholarships be read in its entirety on the House floor.

Delegate John Overington (R-Berkeley) the longest-serving House member, said a bill had not been read in its entirety on the floor of the House since the mid-1980's.

House leaders said there had been miscommunication between Republicans and Democrats, resulting in the flap.

Seems early in the session for such a snafu.

But most disturbing of all was the news of the dispute between International Coal Group officials and United Mine Workers representatives over the investigation into the Sago Mine disaster. Apparently two UMW officials were kicked out of at least one interview this week, after a Sago mine foreman asked to give his statement without the union representatives being in the room. The Sago Mine is a nonunion operation. But at least two Sago miners exercised their right under federal law to have the UMW represent them during the accident investigation.

Later in the week coal company lawyers and union representatives agreed to sit out the interviews.

Good grief.

Folks, it's a jungle out there.

Don't forget to keep your bird feeders full for our fine-feathered friends.

"It is difficult to get a man to understand something when his salary depends upon his not understanding it."

Sinclair Lewis

Collision Of The Curves ... cont. from pg. 1

Starbucks coffee bag...see how shiny it is inside).

Several case studies show that, in one month, Katrina's impact has brought the break even point for a silicon paneled solar PV system in Maine down from 13.5 to 9.4 years. The price curves of renewable energies are descending!

The price curves of fossil fuels—rising—are on a collision course with the price curves of renewable fuels—falling!

Are you ready? Will you pay that extra to be ahead of the curve, to insure your energy future? The costs of grid-delivered power are destined to become more expensive than having an array of PV solar cells on your roof or a wind generator in your yard. You can pay the premium now or wait for the collision.

What about the low income folks who are hurt the most by the upward swing of fossil fuel prices...how can they even think of laying out these kinds of dollars for a solar system? Should the State offer a subsidy, a tax break, and low interest loans?

A daunting question in the shadow of recent reports that there will be 530,000 qualified Massachusetts families who will NOT receive Low Income Energy Assistance Program funds (LIHEAP) because of inadequate federal funding. It's the result of the Bush Administration shortfall—where the Bush Energy Bill shot \$8 BILLION to the oil companies who so far in 2005 have reported 9 month profits of \$81 BILLION.

Do you support supporting those folks in West Virginia who want to avoid the collision of the curves? Should YOUR legislature figure out how to help us all buy that insurance, and avoid the collision?

I'd like to hear your good thoughts on this.

Share Valentine's Day With Us !!!
E-Day! at the Capitol

Wednesday, February 14th
Lower Rotunda ~ 10 am till 3 pm



Reception and Award Ceremony in the evening at Perfater Law Office Building
... 6 pm till 10 pm

My Prius

By Senator Jon Blair Hunter

Don Garvin asked me to write this so the rest of you who have not been able to purchase a hybrid vehicle would eat your hearts out.



I purchased my Prius last summer when gas prices were close to \$3.00 a gallon - and it looks like they may go there again. I was quite surprised when I went shopping for a hybrid to see the amount of room they have in both the front and back seat. Anyone who knows me knows I am not a little person, so space is important to me.

Also, when I test drove the demo I was again surprised to feel the amount of power and acceleration it has. Of course, since I am learning how to drive it to save gas, I now understand that you should not gun it when you take off and you should try to keep your lead foot off the gas. If you do this you will get 50 miles or more to the gallon. However, if you are late to a meeting like I am frequently and violate these rules you will still get some where in the high thirties or low forties, which is still twice as much as I was getting from my Tracker.

Now, in addition to the fuel savings you can get up to \$3,000 in tax credits. Of course, to get the credit you have to be able to afford the \$21,000 purchase price for the car.

I now have almost 20,000 miles on the car and so far no problems. It also has a brake gear for descending down mountains, which helps save your brakes.

So folks - I suggest we all put our principles in action! Buy a hybrid.

"My Prius" column will be featured regularly, as many of our friends now own them. Stay tuned for more interesting peeks into the world of hybrids in future Legislative Updates and GREEN newsletters. Editor Green Legislative Update

Clean Elections Needs Your Help!

By Julie Archer, WVEC Lobbyist/WV-CAG

The WV Clean Elections Act, known in the Legislature as the "WV Public Campaign Financing Act", was introduced last week in the Senate, and the Senate Judiciary is likely to take the bill up as early as next week. This is good news, as we would like to see the bill voted out with plenty of time for the Senate Finance Committee to also act on the bill.

While we have several friends on the Judiciary Committee, including our lead sponsor, Senator Randy White (D-Webster), along with Senator Jon Blair Hunter (D-Monongalia), Senator Dan Foster (D-Kanawha), Senator Tracy Dempsey (D-Lincoln), Senator Evan Jenkins (D-Cabell) and committee chairman, Senator Jeff Kessler (D-Marshall), who has publicly expressed strong support for the bill, the vote is anticipated to be close.

This is where you come in - particularly if you live in Monongalia, Putnam, Pocahontas or Randolph County. The following Senators from these counties are critical to the bills passage and your calls of support could make all the difference:

Senator Mike Oliverio, (D-Monongalia): 357-7880
Senator Charles Lanham, (R-Mason, also representing Putnam, Jackson and parts of Roane): 357-7880
Senator Clark Barnes, (R-Randolph, also representing Morgan, Hampshire, Hardy, Pendleton, Upshur, Grant and Pocahontas): 357-7373

Please call these Senators and urge their support for **SB 124**, the "WV Public Campaign Financing Act". If you need talking points call the WV-CAG office, 346-5891, e-mail julie@wvcag.org, or visit www.wvoter-owned.org.

"Think Renewable"

"Kick Off Blast" is Past ...

If you missed our Legislative Kick Off Blast on Wednesday, you'll now have to wait another whole year till the next on

Special Thanks to everyone who came out - especially to the VooDoo Katz who rocked the house, and Paul Perfater who yet again offered his wonderful digs - even scrubbing the floor for us before the event!

The Bottle Bill

By Linda Frame, WV-CAG

In its first meeting of the 2006 Legislative Session, the Senate Judiciary Committee took up the WV Bottle Bill. This was the first time the bill has been heard by a full committee. We are happy to report that SB 136 was referred to a subcommittee whose members are Senators Randy White, Jon Blair Hunter and Frank Deem. Our belief is that the subcommittee will make necessary technical changes to the bill and send it back to the full committee quickly.

Anticipating that quick turn-around, now is the time to contact Senate Judiciary committee members and ask them to vote for SB 136. These legislators have been approached by the retailers who still oppose the bill and they need to hear from citizens who support it! The committee members are: Senators Kessler (Chair), Oliverio (Vice Chair), Carruth, Foster, Barnes, Deem, Hunter, White, Harrison, Lanham, McKenzie, Weeks, Minard, Jenkins, Fanning, Dempsey and Chafin. You can quickly click on their e-mail addresses at www.legis.state.wv.us/committees/senate/judiciary/sencomJUD.cfm or you can call them toll-free at 1 877-565-3447. In your message, ask them to support SB 136 to reduce litter and increase recycling in West Virginia. You can also thank Chairman Kessler for taking up the bill. For more info, please e-mail linda@wvcag.org.

In other good news, the Jefferson County Solid Waste Authority and the Webster County Watershed Association have both passed resolutions of support for the WV Bottle Bill. Welcome to our growing list of supporters!

That Old, Familiar Shameless Plea

By Donald S. Garvin, Jr., WVEC Leg.Coordinator

The West Virginia Environmental Council has assembled an unbelievably strong lobby team again this year. And with some pre-session planning we were able to hit the ground running, particularly with the Renewable Energy Campaign, a pro-active agenda of our own, in addition to playing our usual defensive role.

We are your voice for the environment at the West Virginia legislature. And without your financial support we cannot be here. So if you have not renewed your membership, now is the time to do so. And if you can, please renew at a higher level this year. If you have already renewed, please consider sending us an additional donation. We need your help more than ever.

Green Legislative Update

Spotlight on WVEC Lobby Team

Bio Pick of the Week: Ted Boettner

By Ted Boettner, WVEC Lobbyist
ted@wvcag.org

Hello! My name is Ted Boettner, and I was born in West Virginia and grew up on Charleston's west side. After graduating from Capitol High School in 1997, I attended college and studied journalism and political science.

In 2002, I moved back to Charleston and worked as a law clerk investigating flood damage in southern West Virginia. During this time, I also became active in WV Patriots for Peace and the National Lawyers Guild. In the fall of 2003, I moved to New Hampshire to begin post-graduate work in international relations and political science.

While in New Hampshire, I became an intern with the Howard Dean campaign and worked as a research assistant at the university. After completing my graduate course work, I moved back to Charleston and helped manage the Erik Wells' campaign for U.S. Congress.

When the dust settled after November 2nd, I spent the next three months working on my masters thesis on the neo-conservatives and post-Cold War foreign policy. Upon completion, I began volunteering at the WV Environmental Council and this led me accepting a position at WV Citizen Action Group and now at E-Council.

In my brief time in politics, I've learned two important things: first, that we should not uncritically accept what we are told and think for ourselves; and second, that what happens at the bottom echelons of society is as critical as what happens at the upper reaches of society. When I'm not working, I enjoy riding my road bike, hiking, reading (especially American foreign policy), and spending time with family and friends. Also, on occasion, I enjoy brewing beer and traveling around the Mountain State.

Ted is also a candidate for House of Delegates in the 30th District, Kanawha County. Stay tuned for "Bio Pick of the Week" on another WVEC Lobby Team member in the next Legislative Update editor.

"Leave it as it is ... The ages have
been at work on it,
and man can only mar it."

Theodore Roosevelt

Nurses Know

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

I learned at a conference on women's health issues this week that nurses in this state know about the serious risks to human health from air-borne mercury pollution and they care about it as much as we do. Pam Neal, president of the WV Nurses Association, gave an excellent presentation on the threats facing developing fetuses, infants and young children from mercury pollution that results primarily from air emissions from coal burning power plants.

Breast-fed infants and developing fetuses are exposed when their mothers consume tainted fish, which can result in lowered intelligence, learning problems, and brain damage. Anyone who eats contaminated fish is at risk, particularly children. In adults, mercury exposure can cause irreversible damage to the brain and cardiovascular system, and can reduce fertility.

Neal told members attending the conference that West Virginia ranks 7th in the nation in air-borne mercury pollution, and also noted that the Department of Health has posted a fish-consumption advisor for all the streams in the state due to mercury pollution.

The involvement of the WV Nurses Association comes at a critical time, as the legislature is now considering a DEP rule proposal that would roll back the state's air emission standards for mercury.

DEP's proposed rule — Rule 45-CSR 37 — covers mercury air emissions and implements the Bush Administration's mercury Cap and Trade rule announced March 15, 2005. **This proposed rule actually delays any specific action to reduce mercury until after 2010.**

The Bush rule is being challenged in federal court, because it actually represents significant roll-backs from existing Clean Air Act requirements for "Maximum Achievable Control Technology" (MACT), normally used for hazardous air pollutants such as mercury. More importantly, the Bush Administration mercury rules exempt power plant emissions of a range of other hazardous pollutants such as nickel, cadmium, dioxin, etc. from MACT requirements. The National Nurses Association is a party to this federal lawsuit.

Concerned that new federal standards on mercury emissions will not produce more immediate health benefits, two national groups of state and local air quality regulators — the State and Territorial Air Pollution Program Admin-
Green Legislative Update

istrators and the Association of Local Air Pollution Control Officials — have developed alternative plans to yield fewer emissions in less time.

And the governor of Illinois is pushing to force Illinois' coal-fired power plants to cut mercury emissions by an average of 90 percent by July 2009.

But here in West Virginia, DEP is proposing to adopt the federal proposed rule, which is not even finalized. In fact, EPA is now reconsidering parts of the proposal and has re-opened the public comment period.

DEP's thinking on this is wrong headed. EPA has not adopted a new standard yet, so neither should West Virginia. Other states are opting NOT to roll back mercury emission standards. The WV Legislature should send this rule back to DEP and require the agency to develop emission standards for mercury that protect women's and children's health.

And that's the message to the legislature that the conference on women's health issues adopted at their meeting this week — to defeat DEP's proposed rule, Rule 45-CSR 37.

The nurses know. I hope the legislature is listening.

Spotlight on: Greenbrier River Trail Association

By Leslee McCarty

The Greenbrier River Trail Association (GRTA) group was founded right after the trail was donated to the state by CSX in 1981.

The 1985 and 1996 floods gave some trouble, chiefly by wiping out the trail from Durbin to Cass, but the trail association has worked to keep the recreational potential of the area alive by obtaining major federal grants to improve the trail, restore the Clover Lick Depot, landscape trail heads, build restrooms and water stops and most recently, interpret the natural and human history of the trail through beautiful signs at major trail heads.

The GRTA sponsors an annual race on the river and trail which brings hundreds of participants to the area. The 20th annual race will be held this year on Saturday, April 29 in Marlinton, WV. Check the Association website www.greenbrierivertrail.com for details.

WVEC will be featuring groups, organizations and sustainable businesses from around the state regularly in future Legislative Updates and GREEN newsletters editor



Calendar of Events



January 21: WV Environmental Council Board of Directors Meeting. 79er Restaurant, Burnsville WV. 11:00 AM - 3:00 PM.

January 25: Mimi Pickering from Appalshop will give a presentation, showing her two films on the Buffalo Creek Disaster, and discussing the theme - "Do Social Documentaries Influence Anyone?" Begins at 7 p.m. at the Cultural Center, State Capitol Complex, Charleston, W. Va.
For more info on the program, contact Pat Cowdery at (304) 558-0220. You can find more info on Mimi and Appalshop at <http://www.appalshop.org/>.

February 11 and 12: The West Virginia Energy Gathering for Students and Youth. This statewide summit meets Feb. 11 at St. John's Episcopal Church in Charleston, W.Va. Feb. 12 field trip to Kayford Mountain. Housing assistance is needed; please contact abe@ohvec.org if you can provide shelter to the youth.
Many non-student youth from around the state, and students from Shepherd, Marshall and WV Universities as well as Glenville State have committed to attend; students from Wheeling Jesuit, Bethany College and Fairmont and other higher education institutions have also expressed interest. Get your college or friends involved!
For more information: E-mail abe@ohvec.org

February 14: E-Day! at the Capitol - Valentine's Day, Tuesday, 10 AM ~ 3 PM. Set up time for organizations and sustainable businesses begins at 8:00 am.
For more information: Call WVEC office, (304) 346-5905.

February 14: E-Day Reception & Award Presentations. Perfater Law building, Virginia Street East, Chas. 6 PM ~ 10 PM.
For more information: WVEC office - (304) 346-5905.

Feb. 27: Buffalo Creek Day at the State Capitol. Join members of the Sludge Safety Project (SSP) in Room 252 of the House Side of the State Capitol (Lewis McManus room). Legislators will be invited to attend and see clips of "Buffalo Creek – An Act

of Man" and "Buffalo Creek Revisited" (see Jan. 25 entry above). SSP members whose health and safety suffers because of coal sludge impoundments and coal slurry injection will be present to speak with the public and legislators.

March 11: Regular Legislative Session ends.

March 11, 2006: 7 p.m. West Virginia premiere of "Black Diamonds - Mountaintop removal and the fight for coalfield justice." The film screens at the LaBelle Theatre/Museum, 311 D Street. South Charleston. This documentary charts the escalating drama in Appalachia over the alarming increase in large mountaintop removal coal mining. Filmmakers Catherine and Ann Pancake were born and raised in West Virginia. Catherine has become an award-winning filmmaker and Ann is an award-winning author. Working for more than 4 years on this project, they have traveled throughout Appalachia to chronicle the unparalleled destruction. Interviews with Julia Bonds, Maria Gunnoe, Arley Johnson, Ken Hechler, and William Maxey. Maryland State Arts gave the film's demo tape and Individual Artist Award. See www.blackdiamondsmovie.com/. and www.geocities.com/scmuseum/. Admission is a \$2.00 donation to the museum.

April 29: Greenbrier River Trail Association's 20th annual "Race of the River & Trail" - Marlinton, WV.
For more information: www.greenbrierrivertrail.com.

May 25-29: Please hold this date. Heartwood Forest Council/ Summit for the Mountains joint event. Please help plan place, logistics, speakers.
If you want to help, contact Janet 304-522-0246 at: ohvec@ezwv.com or Andy Mahler atandy@blueriver.net (812) 723-2430.

June 24: 4th Annual Lavender & More Fair, "Livin' Easy". LaPaix Herb Farm, Alum Bridge WV. Featuring sustainable initiatives; workshops; presentations; wood walks; artisan, environmental & herb booths. Live music, gourmet food and more.
For more information & to register: lapaix@westvirginia.net

Support the West Virginia Environmental Council

1324 Virginia Street East, Charleston WV 25301

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

_____ Renewed Membership
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- _____ \$ 10 Student / Senior
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E~Day! at the Capitol

Valentine's Day, Tuesday February 14th

State Capitol Lower Rotunda

10 am ~ 3 pm