



# THE WEST VIRGINIA VOTER

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## Council and State Board Meeting

The State League Board will hold a combination board and council meeting on Saturday, April 17, at the Days Hotel in Flatwoods (I-79, Exit 67). The board meeting will run from 10:00 a.m. to noon. Council will begin after lunch. Delegates and visitors are invited to attend both the board meeting and council. However, if you wish to attend council only, **you are still invited to lunch, which will be a buffet provided by the hotel. All costs will be paid by the state League.**

Council is the time for local league representatives and members-at-large to gather and exchange ideas, vote on the LWVWV budget for the coming year, give direction for national convention, and let the state board know what it can do to help local Leagues and members-at-large.

LWVWV bylaws provide for the following number of local League delegates at council: the president (or alternate) plus two delegates from each local League. Visitors are all others in attendance. Only delegates have voting privileges.

**Please let Susan Watkins know by April 9 if you plan to attend ([susanwatkins@suddenlink.net](mailto:susanwatkins@suddenlink.net); 304-343-8574).**

## Proposed Budget 2010-2011

### Income

Member Dues	3071.00
Reserves	5063.60
Trust	1300.00
<u>Interest/Other</u>	<u>420.00</u>
TOTAL	\$9854.60

### Expenditures

General Administration	1000.00
Board/Administrative Comm.	2805.00
National Council/Convention	2000.00
PMP for MALs	1109.60
Voter	1445.00
Educational	505.00
Position Support	940.00
<u>Endowment Trust Expenses</u>	<u>50.00</u>
TOTAL	\$9854.60

### LWVWV website upgraded

Jonathan Rosenbaum, our secretary and web master, has done a great job re-vamping our website. It is essentially a blog site and allows board members and designated local League users to post information. Local Leagues are invited to post documents such as their newsletters and calendars on the site. Check it out at [lwvww.org](http://lwvww.org). Contact Jonathan at [freesource@cheat.org](mailto:freesource@cheat.org) for further information.

## 2010 Legislative Report

By Kathy Stoltz

As the *Charleston Gazette* aptly summed up the recently concluded legislative session, “**When all was said and done, more was said than done.**”

Below are brief summaries of and outcomes for selected bills from among the 219 that passed both houses (out of 2079 bills introduced) and that may be of interest to League members. The LWVWV did not necessarily have a position on all of these bills.

As of this writing, the governor had not signed most of the bills that passed. He will veto some bills in which errors have been found that will need to be corrected in a later legislative session.

Full text of final bills, their progression through the legislative process, and the fate of all bills is available under “bill status” at: [www.legis.state.wv.us/index.cfm](http://www.legis.state.wv.us/index.cfm)

For more information on environmental legislation, see Helen Gibbins’ report on page 4.

HB 4130 authorizes the **public campaign financing** pilot project for 2012 state Supreme Court of Appeals races. The bill passed and awaits the governor’s signature. The LWVWV has long **supported** public financing and worked as part of a coalition of good-government advocates for passage in WV. (Thank you to those who contacted legislators about it. Your contacts made a difference.) The fees that provided much of the necessary funding were stripped from the bill in the Senate Judiciary Committee, but assurances have been given that funding will be provided so that the pilot project can proceed.

HB4016 Strengthening the **Ethics Act** financial disclosure filing requirements, including disclosure requirements for candidates’ spouses. Passed the House unanimously, sent to Senate Finance Committee late in the session and never got out for a floor vote.

HB4277 Authorizing the Secretary of the Department of Environmental Protection to issue **National Pollutant Discharge Elimination System permits**. The LWVWV **opposed** this bill because it gave permit approval to a political appointee instead of a person who is an authority on water quality. The bill passed and awaits the governor’s signature.

HB4036 **Establishing the Judicial Vacancy Advisory Commission** to assist the governor in filling judicial vacancies. Codifies a practice that has been a voluntary practice used by some governors. Passed and awaits the governor’s signature.

HB4040 Requiring county boards to adopt contingency plans designed to **guarantee one hundred eighty separate days of instruction** for students. Signed by governor, effective 7/1/10.

HB4531 Mandating that **shackling of pregnant women who are incarcerated** is not allowed except in extraordinary circumstances. (Championed by LWVWV member Bettijane Burger.) Passed and awaits the governor’s signature.

HB4647 Relating to the **regulation and control of elections**, including retaining prohibition on corporate contributions; and repealing the ban on corporate independent expenditures. Bill reflects recent US Supreme Court ruling relating to corporate spending on political campaigns. Passed and awaits the governor’s signature.

HB2454 and SB154 prohibit **discrimination** based on age or sexual orientation. Neither got out of committee.

SB350 **Re-categorizing recycled energy as a renewable energy resource** for the purposes of purchasing energy resource credits. Passed and awaits the governor’s signature.

SB398 **Prohibiting landfill disposal of certain electronic devices** such as computers, monitors and television sets in landfills. Passed and awaits the governor’s signature.

SB597 **Requiring women seeking abortion opportunity to see fetus ultrasound image** if ultrasound imaging is utilized prior to performance of an elective abortion. Passed and awaits the governor’s signature.

HB4521 Creating a **sales tax holiday for purchases of guns** and ammunition, the “2<sup>nd</sup> Amendment Appreciation Act” passed and awaits the governor’s signature.

HB4161 Creating the Herbert Henderson **Office of Minority Affairs** in the executive branch (Named for the late

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## Legislative Report

(Continued from page 2)

Herbert Henderson, lawyer and civil rights leader, 20 year president of WV NAACP.) Passed House, died in Senate Finance Committee.

SB 213 In the extended session, the Legislature adopted an \$11.6 billion **state budget** for the fiscal year that begins July 1 and sent it to the governor. Sources of revenue (numbers are approximate) are as follows: general revenue \$3.7 billion, \$1.4 billion from the Road Fund; \$1.4 billion from the Special Revenue Fund; \$167 million from the Lottery; \$394 million from the Excess Lottery; \$400 million from the Federal Block Grant; and \$4 billion in Federal Funds. The text is available on the legislature's web site.

## League Urges House to Pass Critically Important Campaign Finance Law

LWVUS President Mary G. Wilson sent the following memorandum to the House urging them to update campaign finance laws, with particular attention to requirements governing corporate and union spending:

With the Supreme Court's recent decision in *Citizens United v. FEC*, it is critically important for Congress to update campaign finance laws, especially disclosure requirements governing corporate and union spending. With the 2010 elections fast approaching, delay is simply not a viable option.

The Court's decision in *Citizens United* allows corporations to make unlimited independent expenditures in candidate elections, thus changing the foundation on which decades of congressional enactments on campaign finance are built. Such fundamental change requires a considered response from Congress. We support a variety of approaches, but we do not expect legislation adopted this year to address every possible issue. However, some steps clearly are vital to govern the conduct of the 2010 elections.

After *Citizens United*, we urgently need enhanced disclosure. This is the most basic step toward protecting the role of the voter in making decisions in elections. It is now possible for corporations to secretly provide funds that another corporation uses to intervene directly in an election. This is simply unacceptable.

The Court pointed in the direction of enhanced disclosure when it said that disclosure is important to "providing the electorate with information." It also supported disclaimer requirements "so that the people will be able to evaluate the arguments to which they are being subjected." We couldn't agree more.

After providing enhanced disclosure, the next most important step for Congress is to do no further harm. A decision as far-reaching as *Citizens United* will provoke proposals that could make our election system and government processes even worse. Such steps as raising contribution limits to candidates and PACs, or allowing corporations and unions to donate huge sums to political parties or even to candidates, could increase corruption or the appearance of corruption and further distort our political processes.

Rep. Van Hollen and Senator Schumer have released a legislative framework providing for heightened disclosure, more complete disclaimers, barring election spending by foreign corporations, barring election ads by government contractors, clarifying coordination rules, and ensuring candidates can afford to respond to heavy corporate or union spending. We believe this is a responsible and balanced approach.

Fair and clean elections, determined by the votes of American citizens, should be at the center of our democracy. Congress must act quickly in addressing the Court's decision in *Citizens United v. FEC*.

## LWVWV Board of Directors

President	Susan Watkins 304-343-8574 susanwatkins@suddenlink.net
1st VP Natural Resources	Helen Gibbins 304-736-3287 gibbins@verizon.net
2nd VP Healthcare	Nancy Deming 304-363-6844 NDeming@valleyhealthcare.org
Secretary Website	Jonathan Rosenbaum 304-599-2370 freesource@cheat.org
Treasurer	Margie Renaud 304-455-6272 margie@eDeltaNET.com
Director State Govern.	Lee Defabio 304-766-8661 leed@citynet.net
Director Education	Priscilla Haden 304-346-7252 caphaden@aol.com
Director Social Policy	Marilyn McGeorge 304-344-8722 mandw@suddenlink.net
Director Organization Publications	Nancy Novak 304-295-8215 NNovakWV@verizon.net
Director Public Relations	Shirley Rosenbaum 304-599-2370 shirley.rosenbaum@gmail.com
Director International Relations	Sharon Rowe 304-898-6308 srowe@concord.edu
Director	Steve Rowe 304-898-6308 rowe@concord.edu
Director Advocacy/ Election Laws	Kathy Stoltz 304-295-7880 ksstoltz@suddenlink.net
Director Voters Service (off-board)	Marion Weiser 304-428-3608 rmweiser@verizon.ent

Learn more at:

[lwvwwv.org](http://lwvwwv.org)

[lww.org](http://lww.org)

## WV Legislature – Natural Resources

By Helen Gibbins

We thank the WV Environmental Council for the information they provided during the legislative session. Much of this information was taken from the Environmental Council's "Under the Dome."

### Drilling in Marcellus Shale

Establishing meaningful controls on the drilling for gas in Marcellus Shale formations was the League's number one environmental issue in the 2010 legislative session. The threats to our waters from drilling in Marcellus Shale include dewatering the streams that the drilling process uses, the potential pollution from the disposal of the wastes from fracturing the rocks to extract the gas, and erosion.

**First**, we supported the passage of a Rule promulgated by the Department of Environmental Protection (DEP) that requires all drilling pits and impoundments to have impermeable synthetic liners. The rule was modified so that if a driller opts to use just a clay liner, then the driller would have to give notice and an opportunity for a hearing for surface owners input.

The **second** measure that the League supported was HB 4513 as passed from the House of Delegates; however, when the Senate weakened it, we asked our delegates to oppose it. A conference committee was unable to bring about an acceptable bill so HB 4513 died on the last day of the session.

The bill as passed by the House would have established reporting and record-keeping requirements for water use in the drilling and fracturing of Marcellus Shale gas wells. Reporting requirements would have included:

- The type of water source and GPS data for location of withdrawal.
- Anticipated volume of each withdrawal and months when the withdrawals would be made.
- Planned management and/or disposition of wastewater.
- Additives to frac fluids and material data safety sheets.

The bill would have required a water resources protection plan, including designated and existing water uses (e.g., public water intakes within one mile downstream); demonstration of sufficient in-stream flow immediately downstream; and measures to protect fish.

Operators would have had to keep records of their handling of frac water and information concerning their disposal of waste waters.

### Other Governmental Actions on Marcellus Shale

The DEP has taken several other measures relating to

water withdrawal. As of January 2010 drillers are supposed to follow the Oil and Gas Office's Guidance, but West Virginia has no limits on water withdrawals, no limit on total dissolved solids in rivers and streams, and too few inspectors to properly monitor gas drilling sites. The Guidance does require submission of water withdrawal information as part of the operator's permit. Guidelines say when water should or should not be withdrawn from a stream. The Guidance specifically states that "In no case shall the operator withdraw water from ground or surface waters at volumes beyond which the waters can sustain."

According to Pam Nixon, WV's Environmental Advocate, a Guidance is meant to encompass various elements of the laws, but it has less teeth than an actual law or a rule. It is used as a guide to help prevent non-compliance problems. There are places in the Guidance that reference statues and rules.

A provision of WV's Water Protection Act requires those who withdraw more than 750,000 gallons of water in a given month for one facility to register with the DEP. This applies to gas and oil drillers as well as other industrial users of water.

### EPA and Fracturing

The U.S. Environmental Protection Agency plans to study the effects hydraulic fracturing has on human health and the environment, particularly the effect on ground and surface waters.

### Coal Slurry Injection

The League also supports a safer way to dispose of coal slurry, rather than in impoundments and underground. In the interim committees the legislature will study how to treat sludge so that it can be disposed of more safely.

*The League of Women Voters promotes political responsibility through informed and active participation in government and acts on selected governmental issues.*

## Education Report

By Priscilla Haden

### West Virginia does some things right .....

*Education Week's Quality Counts* issued its latest report on state education policies and conditions in January. *Quality Counts* provided updated 50-state information in four of the areas monitored on an ongoing basis: Chance-for-Success Index; the teaching profession; standards, assessments and accountability; and school finance. It incorporated findings from previous years for two other categories: transitions and alignment (2009) and K-12 achievement (2008).

**West Virginia received an overall grade of B-**. The national average was C.

	WV	U.S. Average
Chance for success	C-	C+
Standards, assessments & accountability	A	B
The teaching profession	B-	C
School finance	C+	C
Transitions and alignment	A	C
K-12 achievement	F	D+

The six major categories are broken down into subcategories. The scores for the major categories are the average of the subcategory scores.

<u>Chance for success</u> (2010)		
Early foundations	76.8	81.1
School years	67.6	74.8
Adult outcomes	68.2	80.1
<u>Standards, assessments and accountability</u> (2010)		
Standards	100.0	84.1
Assessments	95.0	84.2
School accountability	100.0	84.3
<u>Transitions and alignment</u> (2009)		
Early childhood education	100.0	81.8
College readiness	80.0	59.8
Economy and workforce	100.0	86.3
<u>Teaching profession</u> (2010)		
Accountability for quality	79.4	75.5
Incentives & allocation	76.9	70.8
Building & supporting capacity	90.0	73.5
<u>School finance</u> (2010)		
Equity	91.6	85.3
Spending	66.5	65.8
<u>K-12 achievement</u> (2008)		
Status	45.9	62.4
Change	58.1	71.5
Equity	79.6	77.9

### A push for common standards.....

A move is underway to develop a set of Common Core State Standards for college and career readiness. The goal of the initiative, driven by the Council of Chief State School Officers and the National Governors Association Center for Best Practices, is to ensure that all students graduate ready for college and careers.

The initiative is an unprecedented bottom-up effort in which forty-eight states have committed to work together to set common, rigorous expectations for all students. The developers pledged to make the standards evidence based: they will represent the knowledge and skills necessary for students to be prepared for college and careers, and they will be benchmarked against standards from high-performing nations. In addition, the goal is to come up with a core set of clear standards that can be taught in classrooms, rather than the lengthy lists of topics often found in state standards.

This effort will help ensure that expectations for all students will be raised and that these expectations will be the same no matter where students happen to live. The wide variations that currently exist are unacceptable and are especially harmful to low-income students and students of color.

Developing common standards represents only the first step in raising the level of student learning. Over the next few years, states will need to develop tests, curriculum materials and professional development programs aligned to the standards. Having common standards will make these efforts more efficient and effective because each state will not have to develop these tools on its own.

For most of the last century, our high schools prepared a small minority of students for college. Most who graduated went directly into the work force, often to low-skill jobs. That was fine as long as people could secure a productive future with a high school education. However, that is no longer the case. The gap between income earned by those with a college degree and those with a high school diploma is large and growing. All students need to be prepared for post secondary education.

In addition, the U.S. will require an educated citizenry if it expects to remain competitive in the global economy. Parts of the world are already surpassing the U.S. in educational attainment and performance. Clearly, we must do more.

*Information taken from a December 2009 Alliance for Excellent Education Issue Brief*

Susan Watkins  
President and Editor



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## CALENDAR

April 17	LWVWV Board Meeting and Council Days Hotel, Flatwoods, WV
April 20	Last day to register to vote in primary
April 21	In person early voting begins
May 11	Primary Election
June 11-15	LWVUS Convention, Atlanta

**JOIN THE LEAGUE!** The League of Women Voters is a nonpartisan organization that encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. **If you live in Cabell, Jefferson, Monongalia, or Wood County, please contact the local League in those counties.** To join at the state level, send a check or money order payable to LWVWV to: Margie Renaud, Treasurer, LWVWV, HC 60, Box 148, New Martinsville, WV 26155. Dues are \$40 for individuals, \$60 for a household, and \$20 for students. Because we are a lobbying organization, membership dues are not tax-deductible.

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