



# THE WEST VIRGINIA VOTER

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## 2010 Legislative Priorities

The board of the League of Women Voters of West Virginia has established the following issues as priorities for the 2010 legislative session. The issues cover the protection of water quality, public financing of judicial elections, and mental health care treatment.

### *1. The LWVW supports the authorization of a pilot project offering public campaign financing for all qualified candidates for the Supreme Court of Appeals in 2012.*

The League of Women Voters supports public campaign financing because it allows candidates to run for office beholden to no one but the voters. In order to qualify for public financing, candidates must demonstrate broad support for their candidacy by raising a prescribed number of modest contributions. Once qualified, a candidate is free to run without having to raise money for a campaign and can concentrate on persuading voters that he or she is the best-qualified candidate. Once elected, no favors are expected by or owed to donors in return for their support. Public financing also allows candidates without personal wealth or connections to moneyed individuals or interest groups to have a fair opportunity at running for office.

As there seems to be no strong support for eliminating partisan election of judges in West Virginia, the League of Women Voters believes that the election process would be improved by minimizing the role of campaign contributions and offering candidates the option of running with public financing. It matters little whether an elected official actually feels an obligation to those who financed his or her campaign. The public's perception of the court's impartiality may be tainted simply by the knowledge that certain individuals or groups financed the campaign.

In states where public financing has been in use, candidates find that voters view their running without accepting private contributions as a positive factor in assessing candidates. Judicial candidates appreciate not having to worry about how their campaigns will be paid for and how that will affect the public's perception of their impartiality on the bench.

The Governor's Commission on Judicial Reform recommended a pilot project offering public financing for one of the two open Supreme Court of Appeals seats in the 2012 election. While the League supports that recommendation, we would prefer that it include making it an option for all candidates for the Supreme Court of Appeals. Allowing the choice for all candidates would increase the likelihood of there being enough candidates willing to participate to demonstrate the system's appeal to voters. Support for public financing tends to grow with passing election cycles and a strong showing in a pilot project would be a strong foundation on which to build.

## Legislative information easy to access

- The House of Delegates will begin streaming the audio of House floor sessions and committee meetings on the Legislature's web site during the 2010 regular session beginning January 13. A link to the audio will be provided on the Speaker of the House's web page accessed from [www.legis.state.wv.us](http://www.legis.state.wv.us).
- The above web site also provides valuable information about the session. The Daily Summary provides an up-to-date summary of recent legislative activities. The Wrap-Up is the legislature's official newsletter that is published weekly through the regular session and provides summaries of bills and other action. You can keep abreast of bills by using the Bill Tracking and Bill Status features. Legislators' addresses, telephone numbers and e-mail addresses are also available at the site.

**2. *The LWVWV supports laws and regulations that ensure the protection of West Virginia's water quality and supply now and in the future.***

West Virginia's most precious resource is its water. We use it for drinking, recreation, esthetic values, and economic development. But our protection of these waters is inadequate. We must upgrade our water regulatory programs to ensure that our people's health and quality of life are improved.

What are some of the hazards to our waters?

➤ **Drilling in Marcellus Shale**

Residents in many parts of West Virginia fear the pollution from increased drilling for gas in the Marcellus Shale formations. Earth moving activities are causing stream pollution. In addition to the hazards of gas production, drilling in the Marcellus Shale formations produce a tremendous amount of wastewater. In the upcoming legislative session, legislators will be asked to approve new regulations relative to drilling in Marcellus Shale formations. Many who are concerned about the effects of the drilling would like to add to those regulations protection from excess withdrawal of water from streams, assurance that the fluids that fracture the rock are not hazardous, and control of the disposal of the waste.

Nearby residents of gas drilling observe many problems. The regulations say that the gas development companies cannot materially affect the flow of streams, but the residents have documented many cases where the flow was affected.

Another pollution hazard is the use of power plant cinders on the roads during the winter. Cinders are classified as a hazardous substance that cannot be directly put in rivers, streams and lakes. Although companies may apply cinders at a rate of over one hundred tons a week on a seven mile section of road, the cinders can be observed running into waterways from the roads.

Benzene and toluene have appeared in tests done on several wells in the area. These are common pollutants from gas drilling activities, but they are also byproducts of diesel oil spills and the practice by both local residents and companies of using motor oil on the roads to hold down dust. The problem is that we have no before-drilling and

after-drilling tests to determine the actual source of the pollution.

Even when companies are cooperative with adjacent landowners, there is a limit to what they will do because of their responsibilities to their stockholders. They cannot spend more than their competitors for environmental mitigation because their competitors will have a lower cost structure that will affect returns to the stockholders. Therefore, the main environmental responsibility lies with our lawmakers to level the playing field and insure that our environment is protected.

➤ **Coal Slurry Injection**

Coal is washed with water and chemicals before taking it to market in order to separate it from the soil and rock. Coal companies dispose of the huge amount of the resulting liquid wastes (sludge) in impoundments constructed from the waste from mining, or by injection (15% of the waste) into mined out underground coal mines. The sludge is made up of the water and toxic chemicals used to wash the coal and the metals that were associated with the coal.

The injection of coal slurry into inactive underground coal mines is subject to the UIC (Underground Injection Control) program. For years nearby residents

have complained about their well water and diseases they believed were caused by infiltration of their water sources from the injection sites. Community activists convinced the 2007 legislature to initiate a study of the possible effects of injection on nearby ground and surface water and human health. The May 2009 report was inconclusive, but the DEP did set a moratorium on **new** coal slurry injections. The legislature and the public are still waiting for the final report from the WVDEP and the WV Department of Health and Human Resources (WVDHHR). Environmentalists and coal field residents favor a ban on slurry injection. Coal slurry can be dried and disposed of in a safer way. Meanwhile the WVDEP is working on improvements to the UIC program.

➤ **Dunkard Creek**

Recently those in the northern part of the state were astounded to find that Dunkard Creek, a valuable stream on the West Virginia/Pennsylvania border, was polluted



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by the alien golden algae. The results were a major fish kill. This water body had been a source of recreational pleasure for the nearby inhabitants, but now many parts of it are worthless. The West Virginia Department of Environmental Protection has issued an order to Consolidation Coal Company (Consol) that establishes guidelines for the company to resume pumping water from its underground mining operations that straddle the border between West Virginia and Pennsylvania (to ensure the safety of underground workers). The order expires on April 30, 2010 because conditions for the algae bloom are enhanced when the water temperature is above 50 degrees. The chloride limit in the water will be more stringent in warm weather. Monitoring for chloride and conductivity will be conducted as well as some additional parameters. Consol must complete and submit a proposal for the construction of treatment plants to remove problematic discharges. Everyone agrees that there still is a lot to learn about the factors that cause the algae to bloom. (Taken from the DEP's discussion of the Dunkard Creek disaster.)

➤ **Disposal of Overburden from Coal**

The US Office of Surface Mining Reclamation and Enforcement is proposing regulations to better protect valley fills from the destruction of streams from the disposal of coal overburden. Last year's federal change in the stream buffer rule allows a surface mine operator to place overburden into streams if the operator can show "it is not reasonably possible" to avoid doing so. The OSM also announced it will improve the permitting process and will conduct independent inspections of coal mines.

➤ **Other Ongoing Problems**

Our waters continue to be polluted from run off from agricultural and municipal areas, combined storm and sewage sewers, and inadequate treatment of sewage. The League believes that regulations should be enacted to prevent these pollution problems; the regulations must be enforced; and funding must be provided to clean up sewage problems.

When we worry about the lack of a diversified economy in West Virginia, we should recognize that protecting our waters will improve our economic position. Industry likes to locate in areas where the environment is clean. Families and retirees want to be assured their health will not be impacted by dirty water. Recreationists enjoy fishing, swimming, rafting, and hiking, all pursuits that West Virginia provides in abundance. The protection of our waters is essential to the well being of our people and the promotion of a better economic future.

**3. The LWVWV supports adequate mental health care treatment.**

In the last edition of the Voter, you read an adapted memorandum to the US Senate from Mary Wilson, LWVUS President, underscoring the need for universal coverage that will make it possible for all Americans who cannot obtain coverage through the traditional employer-sponsored plans to have access to needed care. Universal insurance coverage is a foundational, albeit contested, issue in this year's debate and struggle for national health care reform. In line with that, this year the LWVWV has set as one of its legislative priorities the support of adequate Mental Health Care treatment.

The Whole Health Campaign (WHC), a national collaboration of more than 107 mental illness and substance use prevention, treatment, research and recovery organizations supporting among its principles the equitable and adequate mental health and addiction treatment coverage in all public and private health care plans, cites the following facts:

- More than 84 million Americans are affected by a mental health or addictive disorder.
  - Mental health and addictive disorders are the leading cause of combined death and disability for women and the second leading cause for all men.
  - Mental illness and addiction annually cost the US \$171 billion in lost productivity.
  - More than 30,000 Americans die by suicide each year and more than 90 percent have a mental health or addictive disorder.
  - Mental health and addictive disorders account for the third highest loss of workplace productivity among chronic diseases.
  - More than half of all prison and jail inmates have a mental health problem or addictive disorder.
  - 50% of students with mental disorders drop out of school, the highest rate of any disability group.
- Americans with serious mental illnesses die – on average – 25 years earlier than the general population, mainly due to untreated health conditions.

Because people with mental health and substance use disorders are more likely to be uninsured or underinsured than the national average, it's especially critical that health care reform address this disparity.

The Center for American Progress cited some of the following reasons why West Virginia needs health care

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**MENTAL HEALTH**, *continued from page 3*

reform in its publication “*Why West Virginia Needs Health Reform: by the Numbers*”:

- 209,000 are uninsured today in West Virginia.
- 30 residents of West Virginia are losing health insurance every day.
- In WV, without health care reform, 37,480 will have lost coverage from January 2008 to December 2010.
- A typical WV family will pay \$22,244 for health coverage in 2019 without health care reform.

There was much advocacy action during this past legislative session to make the legislators and community aware of the need for health care reform, and specifically, behavioral health care reform in West Virginia. Positive strides were made, two among those being the continuation of the WV Comprehensive Behavioral Health Commission, a task force appointed by the Governor to implement a set of recommendations in the next two years that will drive the transformation process to an improved comprehensive behavioral health system in WV, and the Governor’s Comprehensive Plan to Address Substance Abuse in West Virginia, a document prepared by the West Virginia Partnership to Promote Community Well-Being and unveiled at the Drug Summit in November 2009.

The League supports measures that promote awareness and legislation that provides for availability, affordability and accessibility of quality treatment for our West Virginia citizens affected by mental health and substance use disorders.

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

## Celebrate !

The League of Women Voters celebrates its 90th anniversary on February 14.



In 1920, after a 72 year struggle, passage of the 19th amendment appeared to be imminent, and members of the National American Woman Suffrage Association met to form the League of Women Voters, the organization to educate the newly franchised women to effectively use the vote.

LWV founder Carrie Chapman Catt urged the new organization to “finish the fight” and to work to end all discrimination against women. Initially, the LWV was primarily concerned with the status and rights of women and women’s issues, but interests were gradually expanded to include issues affecting men as well as women. Today, the LWV works to effect change on a wide variety of issues in the areas of Representative Government, International Relations, Natural Resources and Social Policy.

**The League of Women Voters of West Virginia will commemorate the anniversary on Monday, February 15. We will have a table on the Senate side of the Upper Rotunda from 10:00 a.m. to 2:00 p.m. Information about the League and its positions will be available. We plan to invite legislators and other government officials to join us for a piece of 90th anniversary cake around the noon hour.**

Join us for the celebration!

## We Remember

As we celebrate the League's 90th anniversary, we also acknowledge two leaders who served on the state level and passed away in the last eighteen months. These women offered valuable skills to the League and helped make it the organization it is today.

- Virginia Nugent was a member of the Morgantown-Monongalia County League for over 50 years and was an Honorary Life Member. In 1969, she was elected state president, and from 1972-1975 she was a member of the National Board of the LWVUS, traveling frequently to Washington, DC, for board functions.
- Carole Heim was past president of the Harrison County League and served on the State Board. She was particularly interested in international issues.

### Jefferson County League had busy fall ...

The Jefferson County League hosted two open forums last fall to help educate voters on issues that were of particular interest to the community. Both meetings received extensive media coverage.

On October 19, 2009 more than 100 people turned out for an event that provided citizens with information about two competing zoning ordinances that were on the ballot when they went to the polls on November 7.

A December 5 referendum on whether to allow table games at Charles Town Races & Slots was the subject of the November 5 forum. The public heard from representatives for and against the table games issue and asked them questions.

League member Effie Kallas served as the moderator for both forums. Congratulations on two successful meetings!

### Wood County previews film ...

On November 18, 2009 the Wood County League showed a 40 minute preview of the documentary "Coal Country." The film profiles the concerned residents and coal miners of Appalachia who are so deeply affected by the destruction from mountaintop-removal coal mining.

### Huntington League concludes series ...

Family Court Judge Patricia Keller spoke at the League's November 16, 2009 meeting, the last in a series of meetings on the local court structure. At previous meetings Chris Chiles, Prosecuting Attorney, discussed the Magistrate Court and Judge Jane Hustead discussed the Circuit Court.

### Morgantown-Monongalia Co. meets legislators ...

The Morgantown-Monongalia Co. League held its legislative forum on January 6, 2010. Members had the opportunity to talk with their legislators about issues of interest in the upcoming legislative session.

On January 27 Joyce McConnell, Dean of the WVU School of Law, will speak about judicial reform in West Virginia.

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### Sign up for legislative news ...

If you would like to receive information about legislative issues via e-mail, let Helen Gibbins know at [gibbins@verizon.net](mailto:gibbins@verizon.net).

Susan Watkins  
President and Editor



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### CALENDAR

January 13	First day of West Virginia Legislature
February 15	LWV Anniversary Celebration—State Capitol 10:00 a.m. - 2:00 p.m.
April 17	LWVWV Board Meeting and Council Location to be announced
March 13	Legislative session ends
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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