



# THE WEST VIRGINIA VOTER

Published Quarterly by the League of Women Voters of West Virginia

Vol. 54 No. 4 Spring 2011

## Call to Convention

The LWVWV biennial convention will be held Saturday, April 30, 2011, in Morgantown. Registration begins at 9:30 a.m. and the call to order at 10:00 a.m. Business should be completed no later than 4:00 p.m. Business to be conducted includes election of officers and directors and approval of the budget, program, and bylaws changes. A guest speaker will be featured.

The meeting will be held at **Valley HealthCare System, 301 Scott Avenue, Morgantown.**

Directions: Take Exit 1 off I-68 (US 119/University Ave). Turn left on US 119/Grafton Rd. Turn left on Scott Ave/CR 119-33. Valley HealthCare is on the left.

Who is eligible to attend convention? Each local League is entitled to one delegate in addition to its president, or an alternate should the president be unable to attend. Leagues having more than 15 voting members are entitled to one additional delegate for each additional 10 voting members or major fraction thereof as of January 31, 2011. Other League members attending are designated as "visitors." **The registration fee for delegates and visitors is \$25.00, which includes lunch. Please pre-register by April 22 by contacting Susan Watkins at 304-343-8574 or [susanwatkins@suddenlink.net](mailto:susanwatkins@suddenlink.net).**

Lodging: The State Board will hold a board meeting Friday evening and is staying at the Hilton Garden Inn at Exit 7. Non-state board member delegates or visitors who want to come on Friday should make their own room reservations. Hotels in the area include: at Exit 1, Ramada and Comfort Inn; Exit 4, Springfield Inn & Suites; Exit 7, Hilton Garden Inn and Holiday Inn Express.

## Proposed Budget 2011-2012

### Income

Member Dues	2,882.50
Reserves	4,592.50
Trust	1,500.00
Interest/Other	420.00
<b>TOTAL</b>	<b>\$9,395.00</b>

### Expenditures

General Administration	1,300.00
Board/Administrative Comm.	2,805.00
National Council	1,500.00
LWVUS PMP for MALs	945.00
Voter	1,445.00
Educational	500.00
Position Support	850.00
Endowment Trust Expenses	50.00
<b>TOTAL</b>	<b>\$9,395.00</b>

## Nominating Committee Report

Martha Woodward, Chair

Betty Barrett, Priscilla Haden

Terms are for two years.

President	Susan Watkins (Charleston)
1st VP	Helen Gibbins (Huntington)
2nd VP	Nancy Deming (Fairmont)
Secretary	Susan Hubbard (Huntington)
Treasurer	Teresa Koon (Charleston)
Directors	Priscilla Haden (Charleston)
	Nancy Novak (Vienna)
	Jonathan Rosenbaum (Morgantown)
	Shirley Rosenbaum (Morgantown)
	Nancy Taylor (Huntington)

2013 Nominating Committee	Nancy Taylor, Chair (Parkersburg)
	Betty Barrett (Huntington)

## Legislative Update

Kathy Stoltz

With the regular session concluded, the following bills in areas of LWV interest were passed by the 2011 Legislature. This information was taken from multiple sources, primarily the Legislature's website, where a list of all 190 bills passed is available. For more details about a specific bill, go to <http://www.legis.state.wv.us/> and click on Bill Status at the bottom of the page. Search by bill number to access the text of the bill and its history. Senate bills have three digit numbers; four-digit bills originated in the House. A more thorough discussion of environmental issues is on pages 4-5.

### Education

228 Creating the **Local Solution Dropout Prevention and Recovery Act**

538 Relating to establishing the **Learn and Earn Cooperative Education Program**; authorizing expenditure of certain funds; defining eligibility to receive funding; setting terms for required cash match; and requiring legislative and emergency rules

592 Relating to **requiring that schools have crisis response plans**; requiring the state board in conjunction with the Division of Homeland Security and Emergency Management to develop a model school crisis response plan

### Election Laws

391 Relating to **authorizing community voting locations**; requiring community voting locations to be open a minimum of five days; requiring community voting locations to be politically balanced or counter balanced by another location; requiring the publication of community voting locations

495 The purpose of this bill is to **implement the use of electronic voting systems** and set forth the requirements of those systems. The bill provides that if an electronic voting system is terminated, the one replacing it must comply with the federal Help America Vote Act of 2002.

581 The purpose of this bill is to **change the beginning time for early voting** from the twentieth day prior to the election to the thirteenth day prior to the election. This will result in a loss of only five early voting days. This bill will allow Saturday early voting for all elections.

2438 Relating to **independent voters**; defining independent voters; reforming conflicts in voting procedures; and making technical corrections throughout

2853 Relating to **filling a vacancy in the office of Governor**

2936 Relating to **changing the date of the canvassing of votes in a primary election** from the Friday following a primary elec-

tion to the Monday following a primary election (*Note: Previously voter registration was permitted until the day before early voting began. This bill shortened the early voting period but did not change the registration deadline.*)

3100 The purpose of this bill is to **permit the sale of liquor on election days**.

### Environment

245 Relating to protection of the **Chesapeake Bay Watershed**

458 Updating the **Logging Sediment Control Act**

465 The purpose of this bill is to enact the **Marcellus Gas and Manufacturing Development Act of 2011**, which encourages and facilitates the development of oil and gas wells and the downstream uses of natural gas in this state and economic development in this state associated with production and various downstream uses. (*Note: This bill provides incentives for development; it does not address regulation of drilling operations.*)

### Ethics

2464 Relating to the **Ethics Act**; requiring public servants to disclose additional information on financial disclosure statements; and prohibiting certain public employees and servants from registering as a lobbyist during and for a year following state government employment

### Health Care

408 The purpose of this bill is to **provide for a health insurance exchange** in accordance with the Patient Protection and Affordable Care Act (see more information on page 3).

492 The purpose of this bill is to **maximize federal funding for Medicaid** by establishing a hospital Medicaid upper payment level program for a two-year plus period.

2693 Relating to **requiring insurance coverage for autism spectrum disorders**

2876 Relating to **expanding eligibility for subsidies to enrollees in the model health plan for uninsurable individuals**

### Public Financing for Supreme Court of Appeals Campaigns

2639 Rule-making bill that includes rules relating to the West Virginia Supreme Court of Appeals Public Financing Pilot Program. (*The bill to provide additional funding sources for the pilot program failed.*)

## Legislation Provides For Health Insurance Exchange

*Nancy Deming*

The federal Affordable Care Act turned one year old last week. Since then, the Act has lowered prescription drug costs for seniors; eliminated lifetime health insurance limits; allowed young adults to stay on their parents' health plans; and prevented insurance companies from denying coverage to people younger than 19 because they have a pre-existing medical condition.

The formation of a Health Insurance Exchange by January 2014 is one of the key reforms of the Affordable Care Act aimed at improving quality and lowering costs. During its just completed regular session, the WV Legislature passed SB 408 to comply with this provision of the Act. According to proponents of the reform, exchanges will provide a new transparent and competitive insurance marketplace where consumers and small businesses can buy affordable and qualified health benefit plans. If a state decides to have no exchange, consumers go into a national exchange created by the federal government. The purpose of this legislation is to establish a WV Health Benefit Exchange. The legislation establishes the exchange within the Office of the Insurance Commissioner, allows for the pursuit of available federal funding for its operation, promulgates rules necessary to obtain federal recognition as a certified exchange under the Federal Act, establishes duties of the exchange and makeup of its governing board, and sets up a special revenue account in the State Treasury to cover the costs incurred in running the exchange. It goes into effect 90 days from passage.

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## US Environmental Protection Agency Q&A

Q. Why is the US Environmental Protection Agency (EPA) essential to our well being?

A. The mission of the EPA is to protect human health and the environment. Using the best scientists, the law, and public input, the EPA is charged with reviewing scientific data, monitoring industrial processes, and developing appropriate controls.

Q. How has our country benefited from the Clean Air Act Amendments?

A. A recent EPA report shows that "in 2010 alone, the reductions in fine particle and ozone pollution prevented more than 160,000 cases of premature mortality, 130,000 heart attacks, 13 million lost work days, and 1.7 million asthma attacks. ... The direct benefits from the 1990 Clean Air Act Amendments are estimated to reach almost \$2 trillion for the year 2020, a figure that dwarfs the direct costs of implementation (\$65 billion)." The report was reviewed by an independent panel of economists, scientists, and public health experts established by Congress in 1991.

Q. Why does the EPA need to update regulations under the Clean Air Act?

A. To control toxic air pollutants and limit pollutants that are causing global climate change.

Q. Why should the EPA control CO<sub>2</sub> emissions?

A. Science shows that rising average temperatures, caused by increases in CO<sub>2</sub> and other greenhouse gases, are already affecting the

global climate. These changes will result in extreme weather events, flooding, social disruptions, threats to human health, habitat destruction, and alterations in food production.

Q. Why does the EPA intervene in coal mining permits?

A. The Clean Water Act gave the EPA the responsibility to oversee the impact of mining and other practices on our waters. Mountain Top Removal mining has destroyed over 2,000 miles of headwater streams so far.

Q. Why is the EPA mandating that runoff from West Virginia and other states in the Chesapeake Bay watershed and its tributaries be controlled?

A. The Chesapeake Bay is the country's largest estuary and historically its harvest was abundant. The Bay is also a center for recreation for millions of people. Through the years agricultural runoff and untreated sewage have degraded the Bay's ecosystem causing a crash in harvesting oysters and other aquatic sources of food. Voluntary efforts to clean up the Bay and its tributaries have been unsuccessful. The time has come to mandate a reduction in the nutrients and sediment ending up in the Chesapeake Bay.

Q. Why are many in Congress and others trying to emasculate the EPA by working to keep the EPA from controlling CO<sub>2</sub> and toxic air pollutants, and restricting its regulatory powers over water pollution?

A. Unknown.

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## LWVWV sends questionnaire to gubernatorial candidates

Legislation for a special election to fill the unexpired term of former governor, Joe Manchin, was enacted by the legislature this session. Primary Election Day is Saturday, May 14 and the General Election is scheduled for Tuesday, October 4. The State League Board formulated questions to be sent to the gubernatorial candidates at its board meeting on February 19. Voters Service chair, Marion Weiser, sent out the questions and will compile the responses. The information will be sent to local Leagues and posted on the State League's website, lwvww.org. Target date is April 15.

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## Natural Resources

*Helen Gibbins*

Thank you to Marilyn McGeorge for representing the League at the legislature on the Marcellus Shale issue.

### MARCELLUS SHALE DRILLING

**The Bad:** After a long and winding path involving multiple bills concerning Marcellus Shale drilling regulation, no bill was passed. The Senate had passed SB 424, but the House wanted stronger regulations and no agreement was reached. Our drilling laws have not been updated in nearly 40 years. There are only 17 inspectors for 59,000 active gas wells and there are 6,000 inactive conventional wells that need to be plugged before the well owners go out of business. We have had at least three major well fires and explosions in the past 18 months.

SB 424, as amended by the House, would have contained these amendments:

- ⇒ Drillers would notify surface owners 30 days in advance of drilling; would inform owners of their rights regarding compensation and how to get information regarding soil erosion and sediment control; and would document reasons if they don't accommodate the surface owners preferences.
- ⇒ Secretary of WV DEP would hire and fire inspectors as it does all other environmental inspectors. Currently, the Oil and Gas Examining Board controls the inspectors.
- ⇒ Would require drug testing of drilling workers and truck drivers.
- ⇒ Require horizontal wells to be 1000 feet from occupied dwellings and waters wells, 100 feet from a watercourse, pond or wetland, more than 1000 feet upstream of a surface public water supply.
- ⇒ Would require monitoring of frac fluid and flowback for carcinogens and possible radioactivity.
- ⇒ Would require reporting to the legislature on worker and resident safety from environmental impacts, safety of pits and impoundments, air pollution, permitting and inspection activities and fees, waste disposal, Karst formations and would require the driller to pay the surface owner twice the value of timber cut and to leave the timber for the surface owner.

Acting Governor Earl Ray Tomblin has declined to call a special session of the legislature to address Marcellus Shale drilling issues.

### CHESAPEAKE BAY

**The Good:** The Chesapeake Bay is the country's largest estuary and historically its harvest was abundant. The Bay is also a center for recreation for millions of people. Through the years agricultural runoff and untreated sewage have degraded the Bay's ecosystem causing a crash in harvesting oysters and other aquatic sources of food. Voluntary efforts to clean up the Bay and its tributaries have been unsuccessful. The USEPA is now mandating a reduction in the nutrients and sediment ending up in the Chesapeake Bay. The 2011 legislature passed a bill that will dedicate up to \$6 million a year in excess lottery funds to help pay for upgrades at water treatment plants in WV'S portion of the Chesapeake Bay's watershed. Even with the WV funding, residents in the affected area will find their sewage bills increasing substantially.

### COAL SLURRY AND DRINKING WATER

**The Good:** Residents near slurry disposal sites took Massey Energy Co. to court citing personal injury and property damage. A panel of judges will start trying the cases in August. Some of the property owners' claims list legacy illnesses – birth defects, cancer, renal failure, cognitive impairment, colon problems, leukemia, pancreatitis, cysts, boils, internal ulcers, gallbladder problems, and chronic diarrhea and rashes - caused by impaired drinking water from metals and chemicals in the slurry. Now most of the clients are served by public water systems. Massey has said it will provide a medical monitoring fund for health screenings.

**The Bad:** The "Alternative Coal Slurry Disposal Act" died in the House and Senate Finance Committees. The bill would have prohibited new permits for the underground injection of coal slurry and phased out existing coal slurry injection operations. (There is a WVDEP moratorium now.) The bill also would have provided a tax credit to industry to assist in the transition to new technology to reduce and/or eliminate coal slurry. Slurry is a byproduct of washing coal to make it burn more cleanly. Neighbors of underground slurry disposal sites find that their drinking water is dirty and not safe and believe the slurry has migrated into their wells.

### WATER QUALITY STANDARDS

**The Good:** In 2010 the DEP worked on the Triennial Review and came up with some new standards for WV's waters. Many from the public, including the League, provided input to the DEP on what standards they thought should be recommended to improve WV's waters. Rules approved by WV agencies are submitted to the legislature for final approval. The WV Legislature, unlike most state legislatures, can make changes to the rules.

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**The Good:** (From the Charleston Gazette) A year ago, when the U.S. EPA sought to curb pollution that increases the electrical conductivity of streams, coal corporation owners protested that no WV mountaintop removal mine could operate under the conductivity rules. State officials sued to halt the EPA cleanup. Recently the WV Environmental Quality Board, an appeals board, has ordered WV's DEP to set limits on conductivity and TDS on a strip mine permit. Scientists use electrical conductivity as a key indicator of stream health and the presence of other important pollutants such as chlorides, sulfides and dissolved solids. Recent research has found increased conductivity downstream from mining operations in Appalachia, and scientists have linked impaired aquatic life to those increased conductivity levels.

**The Bad:** The Senate Natural Resources Committee started tampering with the standards and removed some good rules:

- Nutrient Criteria on the Greenbrier River to prevent algae blooms
- Excessive Water Withdrawals
- Total Dissolved Solids (TDS) of 500mg/l measured in stream

When TDS have been too high, WV waters have been harmed. One recent disaster was a massive fish kill in Dunkard Creek. Furthermore, we have no enforceable TDS standard to protect sources of drinking water.

The Senate Judiciary Committee added to the travesty by adding an amendment that will weaken the method for determining water quality standards for carcinogens for a section of the Ohio River. The legislature bundles all of the DEP rules together. It was hoped that the House would have restored the rules to their original good intent. But as far as we know that did not happen.

### **ENERGY**

**The Good:** HB 2709 allows county school boards to enter into energy saving contracts. Signed by the Acting Governor.

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### **The Clean Air Act saves lives ....**

... and since it was first enacted in 1970, the Clean Air Act has succeeded in cutting unhealthy levels of air pollution throughout the country, and has done so at a reasonable cost.

Now the Environmental Protection Agency (EPA) is updating regulations under the Clean Air Act to control toxic air pollutants, curb emissions from big power plants, and limit the pollutants that are causing global climate change. Unfortunately, special interests and their allies in Congress are trying to curtail EPA's authority and sidetrack these new rules.

This is a critical public health and environmental issue. But it is also a good government issue. In passing the Clean Air Act, Congress recognized that it's poorly equipped to make specific technical and scientific determinations. So Congress set overall goals, including protecting public health, and EPA was delegated responsibility to work with the best scientists and engineers in reviewing scientific data, monitoring industrial processes, and developing appropriate controls. Bypassing this process and letting Congress second-guess specific regulations at the behest of special interest lobbyists is simply bad government. It substitutes raw politics for scientific expertise.

The League of Women Voters believes that new clean air regulations are needed to protect our health and our environment. Toxic air pollution and global climate change must be addressed. And the League believes that Congress should not yield to special interests and undermine EPA. Scientific and technological decisions must be based on knowledge and expertise rather than raw politics.

### **Public Education Study Update**

The LWVUS study on the "Role of the Federal Government in Public Education" is well underway. The target schedule is for Leagues to have materials (papers, consensus questions and a Leaders Guide for taking consensus) in May. Local Leagues will have from May through November to conduct their local study and take consensus. The study committee is writing papers; as they are completed, they will be posted on the LWVUS website. In addition, a webinar is scheduled for April 21. Watch the LWVUS Leaders' Update for the availability of the study materials. What can you do right now? Form a study committee, select a chair and put the study on your local League calendars.

Susan Watkins  
President and Editor



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## Calendar

- April 22 Earth Day
- April 25 Voter registration deadline for special primary election for governor
- April 29 - May 11 Early voting for special primary election
- April 30 LWVWV State Convention, Morgantown
- May 14 Special Primary Election
- June 17-20 LWVUS Council, National Conference Center, Lansdowne, VA

**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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