



Capital Eye

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Week Seven: Deadlines Coming!

By Gary Zuckett

Now the going gets tough for bills that have fallen behind in the race to be passed on to the Governor's desk. There is a serious deadline next Wednesday called crossover day. Any bills not passed by their originating body (House or Senate) and sent over to the other are dead and can no longer be considered. Counting backwards, all bills must pass out of assigned committees by Sunday to be able to follow the rule that requires that they be read on the floor on three separate days with the third day being the passage vote. So this makes a huge crunch when all the bills now languishing in committees try to get through before crossover or "drop dead" Wednesday. It's not a pretty sight but in many ways makes our job easier because the bills we have to watch dwindle to a more manageable size. Unfortunately, many of our bills will fail to make this deadline and be done for this year, too.

Marcellus regulation has taken a hit with both houses slashing their bills down to a size that might make it across the aisle before deadline. See Julie's article for details.

The State Insurance Exchange bill (SB408) to get us ready for the national Affordable Care Act health reforms died and came back to life in Senate Finance this week and is now on 3rd reading on the Senate floor. Hopefully, it will join its companion bill in the House next week and be made more consumer friendly.

Marcellus Bills Advance in House and Senate

By Julie Archer

Although our chances of passing legislation this session to address problems with both Marcellus Shale and other gas well drilling were starting to dim this week, as things currently stand there are two bills still in play.

After several strengthening amendments were adopted by a House Judiciary subcommittee, one version spent a couple of days being almost too good to be true. Unfortunately, many of the changes adopted by the subcommittee were not considered in the final version of the bill advanced by the full Judiciary Committee. As WV-SORO co-founder Dave McMahon told the Charleston Gazette, "It leaves out some important things, but it leaves in some important things, and we're glad it's moving." Some of the important provisions still included in HB 2878 are:

- A requirement that drillers give surface owners at least 30 days notice before coming onto the land to survey for proposed well sites, access roads or other work requiring disturbance of the surface.
- A requirement that drillers offer to meet with surface owners prior to surveying in order to explain their preference for locations of well sites, impoundments, access roads, and pipelines.
- For horizontal wells, increasing the distance gas wells must be from dwellings and water wells from 200 to 1,000 feet.
- For horizontal wells, the presumption of water well contamination or loss is expanded from 1,000 feet to 2,500 feet and pre-drilling testing parameters are expanded to include chemicals known to be commonly used in hydraulic fracturing.
- A requirement that drillers disclose the chemicals used in hydraulic fracturing.
- Detailed water management plans (including sources, volumes, transportation and disposal plans) are required for wells that use more than 210,000 gallons of water.

We understand there will be a request to waive the bill's second reference to the House Finance Committee.

We are less enthusiastic about the pared down version of the DEP bill (SB 424) that was advanced

by the Senate Energy, Industry and Mining Committee, especially with regard to surface owners' rights. However, it includes one important provision not included in the House bill – a one year moratorium on drilling in karst formations in Greenbrier and Monroe counties. SB 424 is now headed to the Senate Judiciary Committee.

The fact that there are two bills still alive, means legislators are serious about passing something this session.

Thanks to everyone who made calls and sent e-mails and letters - you helped us to get to this point!

Check www.wysoro.org for more details on what's in and not in these two bills and keep the calls to legislators coming in - we're hearing that lawmakers are now getting lots of pro-drilling calls as part of the industry campaign against the new regulations.

Viva Wisconsin!

By Gary Zuckett

Just when one might think the whole country is going down the rat-hole created by the "Citizens United" corporate take-over of our government, out comes the news from Wisconsin creating hope and inspiring supportive actions across the nation. On Tuesday, our local progressive coalition, WV United, hosted a press conference in House Judiciary along with state labor leaders that made front page headlines in both Charleston newspapers, radio and television stations.

www.wvgazette.com/News/politics/201102221377

Public News Service (radio)

www.publicnewsservice.org/index.php?/content/article/18616-1

You Tube videos taken by Joel Brown of the press conference:

www.youtube.com/watch?v=S2rMiElzShI

www.youtube.com/watch?v=2mMdvMST39k

Wisconsin Rally at Capitol

This Saturday, MoveOn is leading a national day of action in every state capital – rallies for the

American Dream – and one is scheduled for the riverside plaza at the Capitol here at noon. See www.moveon.org to sign on as attending. If you can't make it you can send a message of support to Wisconsin's workers freedom protestors (and the legislators in exile) at www.wearewisconsin.org.

This is a time for action against the conservative agenda to turn our nation into a third world country where we work for a pittance and the Banksters and Billionaires reap all the profits. Make your voice heard!

'Alternative Coal Slurry Disposal Act' Watered Down; Sludge Safety Project Takes Stand Against Slurry Injection

By Joel Brown

On Tuesday the House Judiciary Committee pulled the teeth out of the 'Alternative Coal Slurry Disposal Act' (HB 2850). The original bill was intended to prohibit new permits, modifications and renewals of existing permits for the underground injection of coal slurry; and to create a tax incentive program for development of alternative technologies for management and disposal of coal slurry. Coal slurry is a waste fluid produced when coal is washed with water and chemicals to prepare the coal for use in power generation. More about coal slurry injection and alternative methods of slurry disposal and treatment can be found on Sludge Safety Project's web site: www.sludgesafety.org/.

Despite overwhelming evidence of the environmental and health problems caused by underground slurry injection, an amended bill, which removes the proposed ban on underground injection permits, passed out of committee. You can thank Delegate "Woody" Ireland (R-Ritchie) for offering the watered down amendment.

Good news just in! Senate Bill 248, which still includes the slurry injection ban, has just passed out of the Senate Judiciary Committee Friday morning! It was amended to include a DEP study of Prunty, West Virginia, where many have been sickened by bad water. Judiciary Chairman Palumbo indicated he would try to get the second reference to Finance waived so it could move to the floor!

On Tuesday afternoon Sludge Safety Project held a press conference attended by thirty to forty people and lots of media. Stephanie Tyree, from the Ohio Valley Environmental Coalition (OVEC) introduced each speaker. The press conference video by Jeremy Brannon can be seen here:

http://www.youtube.com/watch?v=4qehEP9gnHM&feature=player_embedded

The first speaker, Lucy Chafin of Mingo County, spoke about the cancers and deaths which are all too familiar to her and her community. Although she is part of a class-action lawsuit involving hundreds of plaintiffs, Chafin said that no amount of money could ever bring her peace of mind or bring back all those around her who died.

Junior Walk, of Coal River Mountain Watch (<http://www.crmw.net>) mentioned that in the 1980s a dry processing system was used. He questioned the need for slurry, which he deemed unnecessary in coal processing: "You tell me why these coal companies nowadays can't do that".

Next, Acting Senate President Kessler and Delegates Manypenny, Wells, and Fleischauer spoke in support of an underground slurry injection ban. A consensus among all the speakers was that advocating for clean water is not fighting against coal mining. Coal lobbyists are paid by the coal industry and legislators are paid by citizens. Perhaps some legislators have forgotten that they were elected to serve citizens, not to send them to an early grave.

Exciting Job Opening: Grow Appalachia Coordinator

High Rocks is seeking a highly-motivated self-starter with agricultural experience and project management background to coordinate the Grow Appalachia program. The goal is to work with twenty families and organizations to grow as much food as possible in Pocahontas County. This position is half-time with potential to grow into a full-time job with High Rocks or Local Foods. Please send your resume and letter of interest to Sarah Riley at HC 64, Box 438, Hillsboro, WV 24946. sarah@highrocks.org, or call 304-653-4891 for more information.

Responsibilities include recruiting and managing volunteers; supervising two AmeriCorps Local Foods members; maintaining and cultivating relationships with new growers and potential growers; managing grant and project budget; evaluating and reporting on volunteers, grower participation, and food volumes produced; and organizing educational workshops.

Experience required: College graduate or equivalent; supervisory experience; relevant agricultural experience; canning and food preservation experience; community organizing and facilitating capabilities; ability to use farm machinery (especially a hand-operated tiller); ability to drive a manual transmission truck; self-starter excited to launch the first year of this very exciting project with lots of energy.

What is Grow Appalachia? The basic purpose of Grow Appalachia is to teach and support the people of Appalachia to grow, preserve and sell their own food and feed themselves and their families. The Grow Appalachia Coordinator will work with first time gardeners, experienced gardeners, and people developing market gardens. Check out the project [here](#).

GASLAND SHOWING

The League of Women Voters of Wood County West Virginia will present a screening of the award-winning documentary "**Gasland**" at the **Vienna Public Library**, 23rd Street at River Road, on **Monday, February 28, 2011 at 7:00 p.m.** The showing is free and open to the public. Popcorn and soft drinks will be provided.

The largest domestic natural gas drilling boom in history has swept across the United States. The Halliburton-developed drilling technology of "fracking" or hydraulic fracturing has unlocked a "Saudi Arabia of natural gas" just beneath us. But is fracking safe? When filmmaker Josh Fox is asked to lease his land for drilling, he embarks on a cross-country odyssey uncovering a trail of secrets, lies and contamination. A recently drilled nearby Pennsylvania town reports that residents are able to light their drinking water on fire.

This is just one of the many absurd and astonishing revelations of a new country called GASLAND. Part

verite travelogue, part expose, part mystery, part bluegrass banjo meltdown, part showdown. Please join us on Monday at 7:00 and see what it's all about!

NPV in WV Brings National Attention

If you haven't yet sent a message to your Delegates to pass HB 2378, go to go to <http://www.nationalpopularvote.com/wv> to write your delegate(s) now and ask them to support the National Popular Vote. It's easy and only takes a minute to do!

The bill passed out of committee this week and is on for second reading on the House floor. It needs to be taken up for a full vote before next Wednesday (see deadline article) to keep moving. Our state could be the eighth state to join this agreement to send our Electoral College (EC) votes to the presidential candidate that wins the majority nationwide. Let's bring our presidential elections into the 21st century!

We Get Letters -- From All Over!

Trisha from Pensacola, Florida, took the time to write to our Julie Archer about last week's Dahr Jamail presentation. She seemed pleased that citizen groups like CAG and Seneca 2 are concerned about issues that do not directly affect us locals. It sure is nice to get feedback like this! Read Trisha's email below.

Hi Julie,

You don't know me, my name is Trisha. I was born in Pensacola, Fla. My parents are both from St. Albans, West Virginia. My dad lives here now and mom moved back to West Virginia about 10 years ago. My dad attended the University in West Virginia on a football scholarship years ago. I feel West Virginia is my second home, I have spent a lot of summers there.

I came across an article about your forum that Journalist Dahr Jamail attended last week about the Gulf Oil Spill. I am here to say "Thank You" that your group cares!!! This oil spill is not over by a long shot.

It has been very hard witnessing this since last summer to say the least. A lot of people in my hometown don't even realize the mess that we have just in our own area. I have spent a lot of time out on the beach since the spill and watched the "so-called" clean-up progress. It breaks my heart that this summer when it starts warming up and the oil softens that children and families will be exposed to it, AGAIN.

Thank you to you and your group for caring!

Sincerely,

Trisha

Save Two Dates in April

Besides Tax Day and Earth Day, two special dates in April should be on your calendar:

Pulitzer Prize winning journalist Chris Hedges will be in Charleston on Saturday, April 9th for a book signing at Taylor Books and an evening presentation at West Virginia State University. Hedges was a reporter for *The New York Times* and National Public Radio, and has covered wars in the Middle East, the Balkans and Central America. His most recent book is *Death of the Liberal Class*, and his past writings include *Empire of Illusion*, *War is a Force That Gives Us Meaning* and *American Fascists*. For the scoop on Chris see: http://www.truthdig.com/chris_hedges. WVCAEF is sponsoring this special event with Patriots for Peace, Seneca II, and ACLU-WV in cooperation with the Political Science Department of WVSU. Time to be announced.

The last Friday in April is our annual Spring Awards Celebration. Mark the 29th to get together with liberals and progressives from all over the state who just can't stay away from this once-a-year gathering to celebrate our wins and take stock of the tasks ahead. Delicious food, wine and beer and lots of good cheer will mix with live music and just a little bit of stage talk to recognize a few remarkable individuals for their lifetime achievements. Ask anyone who has attended our fest, its not one to miss!

Closing in on Our Challenge

We are now about \$600 away from matching the \$3,000 offered by our mystery donor. If you've been meaning to send in a contribution for our Legislative Campaign, it's not too late to double your money by drawing down the rest of this one-for-one match. Thanks again to those of you who have already sent your checks to: WV-CAG, 1500 Dixie St., Charleston, WV 25311 and have helped us fight the battles!

Planned Parenthood Rally A Success!

Thursday evening's rally to protect Planned Parenthood from the congressional budget chopping block was wet but wonderful! Folks turned out with umbrellas, cheers and smiles at the Federal Courthouse in Charleston to draw attention to the current fight over women's reproductive health. For more information, read the article in the *Charleston Gazette* [here](#). And check out the pictures below!



Weather Didn't Deter These Ladies From Making Their Presence Known!



Planned Parenthood Spokeswoman Kira Miskimmin Sets the Mood for Action!

Tobacco Tax up in Smoke?

Both bills to raise taxes on tobacco products are in limbo at this time and may not make the "crossover". SB 362 passed Health and Human Resources but is languishing in Senate Finance. HB 2729 is stuck in their Finance committee. With top legislative leadership running for governor in the special election this year, they may just want this one to go away quietly.

Ethics Anyone?

It's looking good for an amended Ethics bill this year! HB 2464 has passed over to the Senate where it's on 2nd reading today. Since the Senate amended it in committee, it will have to go back to the House for concurrence. Remember, this is the bill that extends financial reporting to spouses of legislators and sets up a year waiting period before government workers or lawmakers can come back to make big bucks lobbying their former colleagues. Supporters of the bill killed an amendment by Senator Walt Helmick, D-Pocahontas, to add financial disclosure not only for spouses, but for partners in same-sex relationships. This was an attempt to embarrass Acting Senate President Jeff Kessler, D-Marshall, just days after he spoke at a rally supporting adding sexual orientation to the state's anti-discrimination laws.

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Capital Eye is published by WV-Citizen Action, a nonprofit membership organization founded in 1974 and dedicated to increasing citizen participation in economic and political decision-making. Our members work for progressive changes in federal, state, and local policies by educating people about key public interest issues ranging from environmental protection and consumer rights to good government. Learn more about us at www.wcag.org



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