



Green Legislative Update

Published Weekly During West Virginia's Legislative Session

Volume: 14 Number: 6

Date: February 14, 2003

Under the Dome

By Donald S. Garvin, Jr.
WVEC Legislative Coordinator

Week 6 – Whine, Whine, Whine . . .

It's another year of whine, whine, whining by the WV Coal Association.

"Our laws are more stringent than federal OSM regulations," they whine. "We can't compete with Kentucky," they whine. Read these statements out loud with a real high pitch nasal twang to complete this pathetic picture. Every year it's the same old song.

This week the industry proposed that the legislature totally revamp the state's environmental regulatory program for mining coal (SB 480 and HB 2956). They are asking the legislature to require that DEP potentially throw out all current state mining regulations and adopt in their place WEAKER regulations established as **minimum** program standards by the federal Office of Surface Mining.

They are like a bunch of hypochondriacs in denial: the coal market is down, so the industry must be sick and it can't possibly be industry that is causing the problem!

This is sheer madness. First of all, the current WV regulatory program for coal IS – I repeat – IS an OSM approved program! Secondly, WV regulations and permitting are NOT responsible for a slow-down in coal production and a loss of jobs in the coalfields! It's the market, stupid!! The industry has accumulated large stockpiles of coal and glutted their own market!

I guess their whine sounded bad to them as well, because just hours after making their presentation Wednesday to a senate committee the press was quoting Coal Association lobbyist Chris Hamilton as saying that their proposal had "gone too far."

Good grief! They need to quit whining . . . and go out and feed the birds.

Water Protection – In the Pipeline?

By Rick Eades

Numerous folks took action this week that may reduce the likelihood of European giants in the global water business from potentially gobbling up precious West Virginia natural resources – and possibly profiting at our expense like no entity in our state's history.

The feeding frenzy on global water sales of possible European Enron-clones, and the potential that they could further target our water, appears to be getting addressed by the 2003 Legislature. FYI, Suez (French), Vivendi (French), and RWE/Thames (German) who just bought WV-American Water reportedly have water holdings in respectively 130, 110, and 44 countries already. Wow!

In no particular order, all of the following actions have occurred...

Tremendous and timely responsiveness from the WV Attorney General and Public Service Commission to informational requests, produced numerous hard copy documents that we provided to Legislators this week showing in black and white that:

- **WEST VIRGINIA HAS NO WATER QUANTITY LAWS**, joining postage stamp Rhode Island as the only states east of the Mississippi in this potentially horrifying distinction;
- **The Bush Administration will decide by March 31, 2003** whether to approve a European Union request that the United States hereafter offers our water supplies as a "service" under international treaties (which could trump our ability to pass water laws in the future, indicates the critical timeline,

.....continued on page 3

E-Day! At The Capitol

Tuesday, February 25, 2003

Upper House & Senate Hallways

10:00 am ~ 3:00 pm

Groups, Organizations & Green Business Displays
Honoring our 2003 Award Recipients
Citizen Lobbying

WV Environmental Council
Ohio Valley Environmental Coalition
WV Highlands Conservancy
Peoples Election Reform Coaliton
WV Citizen Action Group
WV Environmental Institute
Coalition on Responsible Logging
La Paix Herb Farm
Sustainable Development for West Virginia
WV Herb Association
Citizens For Clean Elections
Spring Creek Natural Foods
Coal River Mountain Watch
Mountaineer Chapter ~ Trout Unlimited
WV Department of Environmental Protection
Interfaith Global Climate Change Campaign
Healthcare Education Foundation of WV
Coalition for Tobacco Free West Virginia
United Natural West Virginia
WV Eco-Tourism Association
Stanley Heirs Foundation
Tyler Mountain Community Association

Reception & Fundraiser to follow:

The Brick Cellar

1604 Washington Street East, Charleston WV

5:00 pm ~ 10:00 pm

◆ Live Music! ◆ 2003 Award Presentations ◆ Fun Silent
Auction Items! ◆ Refreshments Served ◆ \$5.00 donation
Dinner Buffet Available at an additional cost

Music by:

Steve Hill & Ammed Solomen

BigRock and The Candy Ass Mountain Boys

West Virginia Environmental Council 2002~2003 Board of Directors

Mary Ellen O'Farrell, *President*
Mary Wildfire, *Past President*
Fred Sampson, *Secretary*
Linda Mallet, *Treasurer*

Julie Archer Greg Carroll
Doyle Coakley Don Gasper
Janet Fout Chris Hogbin
Jim Kotcon Don Garvin
Vince George Denise Poole
Cindy Rank Laura Spadaro
Tom Skergan Bonnie Mallot
John Taylor Carol Warren
Chuck Wyrstok Frank Young
Gary Zuckett Bob Hamburg
Chelena McCoy Carmen Silliman
Norman Googel Bill Reed
Chuck Silliman Shelli Turner

Don Alexander
Web Site Coordinator
paradox@spectrumz.com

Chris Hogbin
E-Mail List Serve Coordinator
cahogbin@cs.com

Legislative Update is published by the West Virginia Environmental Council (WVEC), a statewide organization dedicated to facilitating communication and cooperation among citizens in promoting environmental protection in West Virginia. *LegislativeUpdate*, is published weekly during the Legislative Session.

Legislative Update welcomes letters, articles, and art work from readers and reserves the right to edit or reject submissions. Please send materials to the editor (preferably on disk or e-mail) to:

Legislative Update
Denise Poole, *editor*
deniseap@earthlink.net
1324 Virginia Street East
Charleston, WV 25301
(304) 346-5905
www.wvecouncil.org

Water Protection ~ In The Pipeline?

(continued from page 1)

and could favor French and German companies just when Bush needs their support in Iraq!!); and,

- **Documents that offer WV AG concerns, thinking, and background**, some already provided to Legislative leadership.

In the Senate, sincere credit is due to Senators John Unger and Brooks McCabe. They've proactively drafted two resolutions on the Senate side that could lead to a comprehensive water policy or water protection law that is sorely missing in West By God.

The Senate resolutions would prompt an interim study, hopefully with a fully dedicated interim committee and possibly a task force, to identify our needs and ways to protect this critical resource. Provisions might be considered that would put a moratorium on water sales to international interests until this study is complete.

NEWSFLASH! FRIDAY, SENATE WATER RESOLUTION SCR 27 INTRODUCED! 21 SENATE CO-SPONSORS!

Extremely responsive on the House side, Majority Leader Rick Staton and Judiciary Chairman Jon Amores supported a meeting this week called by Senator Unger, and provided House legal counsel to examine options.

Credit big-time (as previously noted in 2 earlier GREEN stories) to the Attorney General's Office and the rapid learning curve they went through during the sale of WV-American Water to RWE/Thames. The AG has not only helped develop more protective "contract" language on that sale, but recognized the immense value of West Virginia's water resources and has offered appropriate communications to the Legislature.

A representative of the Attorney General's office was asked by Senator Unger to provide background, as well as any straightforward code that could possibly be modified without offending any West Virginia interest group – yet still offer a possibility of getting something on the books right away.

It's too premature to tell, but not inconceivable that some very basic statement of the waters of West Virginia being protected for the good of our citizens and business interests and kept away from international treaty nightmares could evolve this session.

Important guidance has also arrived from some key agency or regulatory guests at the request of Senator Unger. A DEP representative offered clear legal overviews of basic rationale that would support water law development.

Likewise, the Public Service Commission Consumer Advocate Billy Jack Gregg has substantial knowledge. *Green Legislative Update*

edge of the issues involved with water utilities. He not only testified before Senate Finance early this year about the complete absence of WV water quantity laws, but is very respected at the Legislature and has graciously offered to respond to Senator Unger or the House as these efforts develop.

It would be totally remiss if I failed to mention the ultimate clearinghouse on water issues over the past 4 years, Vivian Stockman of OVEC. She has scoured thousands of documents and forwarded many reference sources that characterize water supply crises globally and international treaty issues that now are being related to West Virginia's most prized resource of the 21st century.

Of note, the last day to introduce bills is Monday for Senate, and Friday for House.

We hope nothing derails the sincere efforts now underway at the Legislature to do the right thing, and protect WV water for our future citizen and economic interests.



Happy St. Valentine's Day!!

We need you now, more than ever, to be our WVEC Valentine. We need you now, more than ever, to send us a financial contribution as your WVEC Valentine's Day "love offering."

WVEC was ambitious in our lobbying goals this year. We have assembled an extremely talented lobby team, and they are working hard representing your concerns to the legislature. Now we simply have to make sure we can fulfill our financial commitments to these dedicated team members.



So, if you have not done so, why not send us a Valentine and renew your WVEC membership? And if you've already renewed, why not consider making an extra contribution as your Valentine present to WVEC (hugs and kisses are accepted as well).

"Love conquers all things; let us too surrender to love." ~ "Virgil" Garvin

Legislature Is Turned On About "Turn It Off"

By Allan Tweddle, allantweddle@bigplanet.com

HB 2961—modeled after our “Turn It Off” initiative for school busses—was introduced this week with Delegate Perry (Fayette) as lead sponsor, and delegates Beach (Monongalia), Shaver (Preston) and Fleischauer (Monongalia) as co-sponsors.

As I write this, Senators Caldwell and Oliverio have forwarded a Senate version to Bill Drafting. Senators Hunter and Sprouse (Senate Minority Leader) are co-sponsors, so the Senate bill will be bi-partisan.

The one difference between the Senate and House bills is that the Senate version sets the lower temperature limit for “turning it off” at 20 degrees, as we recommended (and as follows CT law and ME Policy). The House raised the temperature to 40 degrees. We hope that this minor difference will be resolved, and we will get passage. After all, it’s a lot colder in ME, VT, NH, MA, CT and Ontario where these practices are now working.

Our bill is crafted after CT’s law, but the House and Senate bills BOTH leave off the penalties that CT lawmakers felt were important for enforcement. We would be discouraged by a lack of enforcement, except that I have learned that the voluntary program in ME was embraced by over 70% of the bus drivers, who had reported high incidence of headaches from driving these diesel buses. (ME DEP is sending us materials to give to legislators next week, when the committees need to move the bills.)

Because these WV bills do not cost the State anything, and they have the potential for saving costs in the school system, we do not see much opposition ...yet!

In Thursday’s *Charleston Gazette*, a front page article described how West Virginia has the highest cost for school buses in the nation...6% of the total budget in education is spent on transportation. Our focus in our “Turn it Off” campaign is a way to save money, and while we are at it, save the lungs of bus drivers and children.

I am excited about these bills. We are not there yet, and must keep them moving to the floor for passage. For me personally, it is a little part of a dream come true.

For those of you who know me, I have dedicated these “later years” of my life to bringing my 40 years of dealing with air quality improvements as an engineer to the betterment of the environment of West Virginia and the country. It’s ironic to me that those 40 years started when I graduated at age 29 from Michigan in 1961. For you numerologists, the House bill is 2961.

Many others have helped in this effort. Special credit and thanks for the original inspiration should go to Marcia Leitch of the West Virginia Interfaith Global Cli-

mate Change Committee (WVIGCCC) who, with the technical support of the Union of Concerned Scientists, put us in touch with those States that are well along in a “No Idling” program for all vehicles, State and private—to reduce costs, reduce deadly exposure to toxic fumes of gasoline and diesel, and reduce GHG’s. Marcia and the WVIGCCC are seeking funds from foundations to help educate the children in our schools and involve them in watching and measuring the results in WV.

We need you to call your delegate and senator to encourage passage. For now, let’s stop unnecessary idling, and keep turned on about “Turn It OFF”!

All You Need Is Love....

By Chuck Wyrostok

(Whom we’ve dubbed “WVEC Guru of Love”)

For Valentine’s Day, let us just for a moment reflect on the “love thang”, as a good friend of mine calls it. She calls it that with an air of dismissal...a “been there, done that” smirk that reveals past disappointments and future probabilities. Always the romantic, I offer comfort and inept comments like “well, that just means the odds are even better of something great working out”. No response from her. Just a deadpan look. A look of determined resignation. Love’s a bitch, I feel like saying, but decide not to.

For single persons in these times of tension, terrorism, war, uncertainty, and friggin’ Code Orange alerts, it is indeed not fertile ground for hope. Love is often eclipsed by worries about survival, jobs, a general sense of despair and the incursion of technology....picture the warm glow of gazing into your dinner date’s eyes as her cell phone goes off. It’s her broker (jeez! her BROKER?), there’s a problem..... and the spell is broken.

My dog loves me though, unconditionally. (But then, she loves everyone unconditionally.) She seems to easily locate the soul of a person through a pure primitive instinct. I wonder how that would work on the smarmy, apparently soulless coal lobbyists slithering around the Capitol. The E-Team might be able to utilize her as a soul-sniffing dog, much like a “drug dog”. Then, again, the beady eyes of those dudes would probably bring on a low growl.

In a broader sense, truth be known, love is more important than ever. Love...smiling, warmth, trusting, common decency, charity, sisterhood, brotherhood...these things need to be clutched to the heart even stronger in times of darkness. From love there is strength and purpose. It’s the cosmic glue in the human soup. It’s the reason to fight for Mother Earth.

Don’t discount it. Love is all there is. **Happy Valentines Day everyone.**

"Turn It Off" Is On

By Rick Eades

A really good bill's fate rests largely in your hands. Dial the phone (1-877-565-3447 for any legislative numbers), and call members of House and Senate Education Committees and encourage them to move HB 2961 (or the Senate companion currently being drafted).

Special thanks are in order to House Education Chairman Mezzatesta (340-3265) and House Majority Leader Staton (340-3220).

They took our draft legislation through legislative bill drafting and introduced a bill in four business days (!) to turn off school buses when they're not moving. Senator Caldwell and others are equally excited to sponsor the bill on the Senate side.

This bill needs to pass this session, as a range of support has been offered from the State School Board, School Board Association, Association of Counties, County Commissioners, WV Education Association, and the faith based organizations who Allan Tweddle has worked this issue with long before the session.

HB 2961:

- **saves money** in school bus transportation costs (WV reportedly spends more per student than any state in the US),
- **reduces fuel consumption and diesel emissions,**
- **protects our kids' health,** and,
- **offers a valuable lesson** - energy conservation, economic sanity, and kid's health go hand in hand.

Bottle Bill Introduced: HB 2926!

By Linda Mallet, linda@wvcag.org

On Monday, the WV Container Recycling and Litter Control Act, HB 2926 was introduced in the House of Delegates. Many thanks to the bill's sponsors: Delegates Doyle, Frich, Canterbury, Houston, Brown, Poling and Webster. And many thanks to Les Shoemaker, WV Farm Bureau lobbyist, whose organization has made the bottle bill one of its legislative priorities.

The bill has been double-referenced to the House Judiciary and Finance Committees. Now is the perfect time to contact your delegates and ask them to support a WV Bottle Bill!

WV-CAG and the WV-Farm Bureau will hold a **press conference at 1 PM on Monday, February 17 at the state Capitol on Farm Bureau Day in the House Minority Conference Room (Room 252).**

To sign our on-line petition, and to learn more about the bottle bill, please visit www.wvcag.org. It takes just a minute!

Some DEP Bills Move, Some Down the Tubes?

By Rick Eades

House Judiciary passed three DEP bills to the House Floor, where they will hopefully pass on to the Senate without amendment.

- **HB 2880** increases underground storage tank fees from \$25 to \$75 per year to fund a program rightfully focused on prevention and early detection of leaks.
- **HB 2881** changes WV law to address the federal "Rahall Amendment," a change required by the US Office of Surface Mining to eliminate a provision in one section of law that exists elsewhere regarding bond releases.
- **HB 2882** eliminates use of "unjust hardship" in WV mining laws, and prevents such industry claims in Surface Mine Board appeals to avoid paying penalties.

Some other good draft laws, offered early to the Legislature by DEP but never introduced, are apparently going nowhere, including:

- **Strict liability for groundwater contamination,** and
- **Cost recovery mechanisms for environmental damages** from out of state impacts on WV waters, where our Tug Fork, Big Sandy, and Ohio Rivers are at risk. Of note, we appear to be screwed by federal law restrictions that prevent us from recovering natural resource damages from disasters like Kentucky's Massey/Martin County Coal Company in 2000. That disaster dumped roughly 300 million gallons of coal slurry into rivers and ultimately impacted our waters.

What was coined as the "Sustainable Business" bill appears to have died. This legislation was more complex and better than Underwood DEP attempts to hatch an "Environmental Excellence Award" that was no more than an industry kissing booth.

Timely written comments from Jim Kotcon helped identify several discrete ways that industry might manipulate this year's proposed program, and the bill never got introduced. This legislation was a better attempt by DEP to identify the best performers and raise the environmental compliance bar. Even with Delegate Kevin Craig's interest in a possible interim study, meeting the program's intended purpose without opening the door to industry fudge will be very dicey.

What's Up With Clean Elections Bill?

By John Taylor

Not much. Not much at all, unfortunately. We reported earlier in these pages that SB 158 and HB 2527 (West Virginia Clean Elections Bill) are in the hands of "Elections Sub-Committees" of the Judiciary Committees of both houses.

The House Elections Sub-Committee has not met to discuss the Bill. We wish we could fill this page with a report of their discussions. Maybe next time.

The Senate Elections Sub-Committee met Wednesday, 12 February 2003 and discussed S.B. 158 for less than an hour. Senator Jenkins (D-Cabell), a co-sponsor of the Bill opined that it is better than the Fair Campaign Practices Code of 1995. Wva Code 3-1B-1, et seq. He said the Clean Elections Bill is better than the Code because, based on the experiences of Maine and Arizona voters and candidates, the "Clean" process results in substantially increased voter and candidate participation in the process. Increased participation was one of the main goals of the Fair Campaign Code, but it is an evident fact that that goal wasn't reached in 2002. 39% participation by West Virginia voters in 2002 makes this plain.

The 1995 Fair Practices Code calls for entirely voluntary compliance by candidates, especially in the area of campaign expenditures. It asks candidates to "personally support a limit of campaign expenditures that when reasonable, sufficient and fairly applied, does not limit or restrict the expression of ideas of the candidate...*but instead challenges individuals to engage in open dialogue on the issues rather than merely to purchase the excessive repetition of images and slogans.*" (emphasis added)

We are now eight years downstream from enactment of the Fair Campaign Practices Code. The Legislative Findings and Declarations in SB 158 make it clear that the question of excessive campaign expenditures is still yet too much with us, and still needs to be dealt with.

The Clean Elections Bill is better because its provisions are more comprehensive and provide for public funding of election campaigns. Sadly, many citizens have good reason to believe that "money buys votes." This cynical perception must change if we want to keep on making justified brags that we live in a participatory democracy where even the most humble citizen can engage in political activity and make a difference.

The Citizens For Clean Elections Coalition has been the primary proponent of the Clean Elections Bill. The coalition has twenty-three organizations in it, including most notably, the Ohio Valley Environmental Coalition (OVEC). OVEC has taken the lead in building and maintaining the Citizens For Clean Election Coaliton including leading in the crucial activity of fundraising.

Green Legislative Update

Action Alert!

The West Virginia Clean Elections Act (SB 158, HB 2527) is now in the hands of the Elections Sub-Committees of the Senate and House Judiciary Committees. House Sub-Committee members are: Mahan (chair), Fleischauer, Schadler, Pethel, Pinto, and Faircloth. Senate Sub-Committee members are: Oliverio (chair), McKenzie, White, Jenkins, and Hunter. They all need very much to hear from you! Please call them at 1-877-565-3447

Hurry Up and Wait...Again!

By Conni Gratop Lewis

The ATV bill (HB2121) passed the Senate last Friday. On Monday, the House officially received the bill, rejected the Senate changes and asked the Senate to recede. The bill should be headed for a conference committee, but it isn't. Conference committee members have not been announced, and there have been no committee meetings.

The conferees cannot meet until after the Senate officially receives the House's rejection. As of Thursday, that hasn't happened. It can be a very long walk across the Capitol, and bills can sometimes get lost in a stack of papers. What is happening is a flurry of behind doors activity involving lawyers, lobbyists, and others trying to put the two bills together into a format acceptable to those who make the decisions.

There are rumors flying about the content and fate of the bill. At any given time, the rumor might be true, and then not true an hour later. So I can not tell you what is likely to be in the bill.

Meanwhile, WVU. Center for Rural Emergency Medicine announced that 27 West Virginians died in ATV accidents in 2002. This is the highest fatality rate in the nation. Jim Helmkamp, a researcher is quoted in the AP article : "If riders follow simple safety precautions like wearing helmets, avoiding paved surfaces and riding without passengers, a tragic situation can be avoided."

Insurance Industry Doesn't Want to Play Fair

By Gary Zuckett, WV Citizen Action

The assault on citizen's rights in our civil justice system continues. After getting their way on medical malpractice, insurance lobbyists have now set their sights on liability claims across the board. Two new bills HB2872 and HB2809 are now in House Judiciary.

HB2872 would abolish "joint liability." Joint liability is the legal term for holding all parties found at fault equally responsible. For instance, if an overweight coal truck ran over your sedan and injured your family, a jury might find both the driver and the trucking company at fault. If the driver files for bankruptcy or his insurance has expired and he could not pay damages, you could reclaim all damages awarded from the trucking company.

However, if joint liability is eliminated, then the jury is required to assess the relative fault of each party. Say they rule the trucking company only 20% at fault. In the above scenario where the driver cannot pay, you are left with only 20% of your damages covered. This is not fair to victims. It favors wealthy insurance companies who can weasel out of paying full damages.

HB2809 is in the section of WV Code entitled "Unfair Trade Practices." The note section at the end of this bill reads: "The purpose of this bill is to bar third party claims against insurers for violation of the Unfair Trade Practices Act." The body of the bill adds this language to existing law, "...no claim or action may be filed against an insurer, its employees or agents alleging that the insurer, its employees or agents has violated any provisions of this article..."

In other words insurance companies want to abolish the requirement that they treat their customers (and customer's counsel) fairly. They want to be able to delay, stall, and lowball settlements on insurance claims with out fear of retaliation.

If this is passed there will be little to no incentive for insurers to settle disputed claims. If you think it's hard to get insurers to pay up now, don't let this bill pass!

The Medical Malpractice "tort reform" bill has passed both Houses and is now in a Joint Conference Committee to work out differences in Senate and House versions. The House version is much, much worse than what came out of the Senate. The message for the legislature is "Keep the Senate amendments in HB2122"

The message is simple for the two new House bills. Tell members of House Judiciary not to give in to greedy insurance companies and support your rights by voting NO on HB 2872 & 2809.

Hearing Held on Oil and Gas Rule

The House Judiciary Committee held a public hearing Friday morning on a proposed DEP oil and gas well rule, HB 2653. This rule is of interest because it codifies the current Oil and Gas commission practice of allowing companies to drill "deep" test wells without first getting surface owners' permission ("deep" wells - basically more than 5,000 ft deep - destroy an area four times larger than "shallow" wells, about the size of a square football field).

Dave McMahon, representing low-income surface owners, made an excellent presentation at the public hearing, as did Gary Zuckett who spoke of his own experience as a land owner in dealing with oil and gas companies. If you have questions about this bill please contact Dave McMahon at [wvdavid@access.mountain.net](mailto:wv david@access.mountain.net). Otherwise you might want to contact members of the House Judiciary Committee at <http://129.71.164.29/committees/housecom/hcomJUD.cfm> and ask them to amend HB2653 to require landowners' permission to drill all deep wells.

Axles of Evil: Round Three

By Julie Archer, WV-Citizen Action

You've heard the news. Truman Chafin will introduce the industry coal truck bill in the Senate, with a rafffull of fellow travelers co-sponsoring. It's greased in the Senate.

We have to kill it in the House. We killed it last summer after a massive public outcry. It's going to be hard to generate the same level of fever now, but that's what it's going to take to keep coal from running roughshod over our system of government, roads, houses, and, yes, our children.

You can send a letter to the Governor and each senate and house member from your area simply by logging on to the United Mine Workers web page at <http://www.umwa.org/legaction/wv/INTRO.SHTML> — Put A Stop To Overweight Coal Trucks and click on the county in which you reside. The letter is already written for you. All you need to do is type in your name and address and click send.

They'd like nothing better than to raise weight limits while our backs are turned, and they'll do it, too, unless we show them, beyond any doubt, that our backs are not turned. These guys heard from us all last year how we felt about it, and the fact that they're even bringing this up again proves THAT THEY DON'T CARE! So if you care at all about preserving some shred of democracy in these dark days of Bush's America, call your legislators right away! Call them at home this weekend.

WVEC Bill Tracking List

House	FN	Sponsor	Title	Comm
2071	Y	Evans	Water Rights, Ag Gets First Dibs	Jud
2078	Y	Mahan	Deposits in Stream Fund Used Locally	Jud
2094	N	Caputo	Fish, Non-native Species Release and Stocking	Ag/NR
2188	Y	Mezzatesta	Remove Bond Cap on Coal Surface Mining	Jud
2241	Y	Cann	Tax Credit-Power Companies using WV Coal	Fin
2404	Y	Boggs	Water Grants, Possible Public Utility Grab	GovOrg/Fin
2528	Y	Beane	Establish Flood Task Force (Good)	Fin
2453	Y	Yeager	State Park Timbering at Construction Sites	Jud/Fin
2527	Y	Amores	Clean Elections Act (same as SB 158)	Jud Subcom/Fin
2653	N	Mahan	Oil and Gas Rules, Landowner Rights	Jud
2717	Y	Williams	EQB Water Rulemaking to New WQB (Bad)	Jud/GovOrg
2761	Y	Warner	Bottle Bill	Jud/Fin
2833	N	Brown	Notification to neighbors of timbering	AgNR/Jud
2870	N	Kiss	PSC "Power Grab"- Electric Generator Siting	Passed Jud - to floor
2880	N	Hrutkay	Underground Tank Fee Increase (DEP)	Jud Subcom
2881	N	Craig	Bond Release - Water Requirements (DEP)	Jud Subcom
2882	N	Craig	Mine Appeals – No Hardship Penalty Delays	Jud Subcom
2956	N	Frederick	Coal Gutting Environmental Regs	Jud
2961	N	Perry	Turn-It-Off School Bus Diesel Conservation	Educ
Draft		TBD	Energy Conservation in Public Schools	Leadership Review

Senate	FN	Sponsor	Title	Comm
144	N	Ross	Flood Thy Neighbor	Jud
158	Y	Hunter	Clean elections	Jud Subcom/Fin
214	Y	Ross	EQB Water Rulemaking to New WQB (Bad)	Jud/Fin
217	Y	Bowman	Beneficial Sludge	NR/Fin
249	Y	Ross	Oil and Gas Rules, Landowner Rights	EIM/Fin/Jud
335	Y	Ross	Haz Waste Management (same as HB 2669)	NR
339	Y	Bowman	Flood Task Force	GovOrg
340	N	Bowman	Flood Plain Management/Restrictions	GovOrg
422	N	Chafin	PSC-emergency powers	Jud
451	N	Tomblin	PSC "Power Grab"- Electric Generator Siting	Jud
HB2121	N		ATV Bill (Amended House Subcom Substitute)	Passed Senate 2/7
480	Y	Snyder	Coal Gutting Environmental Regs	EIM/Fin
SCR 27	N	Unger	Conduct study of water quantity laws	TBD

Selected Rules (regs):

HOUSE Bills

SENATE Bills

Air	2562, 2564, 2564, 2566, 2600,2562, 2566, 2563, 2564, 2600	224, 242, 246, 223, 243, 244, 225 245
Waste/ Haz Waste	2564, 2604, 2605, 2669	242,250, 251, 278
Water	2569, 2606	253, 257
Mines	2601, 2646	247
Dam Safety	2602	248
Timber	2616, 2617	265, 266

FN = Fiscal Note; Comm = Committee refs, call **877-565-3447** (Legis Services) for Comm Members list
 Online bills at <http://www.legis.state.wv.us> (clicks on Bills icon; choose House or Senate)



Calendar of Events



February 15-16: Peace & Justice rallies. New York, NY. Confirmed speakers include: Archbishop Desmond Tutu, NAACP Board Chair Julian Bond, leaders of the Sept. 11 Families for Peaceful Tomorrows, Angela Davis, Harry Belafonte, Danny Glover, Rosie Perez, Pete Seeger and more.

For more information: <http://www.unitedforpeace.org/article.php?list=30>

February 15: Pro Peace Gathering. Spencer WV, in front of Roane County Courthouse downtown. 11:00 am. Music, artistic statement by Jude Binder, Speakers.

February 17: Peace Rally. Front of Huntington WV City Hall. 6:00 pm. Peaceful demonstration for peace in the world and our community.

For more information: Friends Catholic Community Church, stbeckett@aol.com, 740 894-5933.

February 20: National Issues Forum on American's Role in the World. Memorial Student Center, Marshall University - Huntington WV. 8:00 pm. Discussion will explore different perspectives about how America's influence and resources should be used.

For more information: Joe Hughes: hughes53@marshall.edu.

February 25: WVEC Annual E-Day! at the Capitol, Senate & House halls, state capitol, Charleston WV. 10:00 ~ 3:00. Organizations, groups, eco-friendly business displays and other activities planned. Lobby your legislative representatives!

For more information and to reserve display area contact: Denise Poole, 346-5905 or deniseap@earthlink.net.

February 25: Annual E-Day! WVEC Reception/Fundraiser. **The Brick Cellar**, 1604 Washington Street East, Charleston. From 5:00 pm till 10:00 pm. Stop by after E-Day! at the Capitol.....Music provided by Steve Hill & Ammed Solomen and Big Rock & the Candy Ass Mountain Boys! Refreshments, Award presentation, Silent Auction items. Buffet available at an additional cost. *Suggested Donation: \$ 5.00 at the door.*

For more information: Denise Poole, 346-5905 or deniseap@earthlink.net

February 27: Appalshop documentary "Coal Bucket Outlaw", by Tom Hansell. Begins at 7 pm in the John W. Eye Conference Center - Mountain State University, Beckley, WV. Free Screening - Discussion to follow.

February 28: Book Release Party with Denise Giardina. Taylor Books - 226 Capitol Street, Charleston. 6 ~ 8 pm.

March 8: Last Day of Legislative Session. Stay tuned for details of End of Session Gathering.

March 21-23: Spring Equinox Weekend. Opossum Creek Retreat in Fayette County. Sponsors: Natural Lifeways Inc., United Natural WV, WV Eco-Tourism Assoc. & Opossum Creek Retreat. **For more information:** John Williams, 269-7902

April 19 & 20: Stanley Heir's Foundation 14th Year Easter Kick-Off Celebration! Kayford Mountain. The public is invited.

For more info & directions contact: Larry Gibson, 542-1134.

April 26: "Artists for the Environment" Fundraiser. Perfater Law Office lobby ~ 1311 Virginia Street East, Charleston. From 1:00 ~ 7:00 pm. Artists from around the state are donating their talent in support of WVEC! Items for sale; Silent auction of artwork; Live music; Poetry; WV Wine & Home Brewed beer; Refreshments; Raffle drawing for Mark Blumenstein sculpture! Join us for this post-Earthday event - support the Arts and the WV Environmental Council's environmental efforts!

For more information or to participate contact: Denise Poole, 346-5905 or deniseap@earthlink.net.

October 17-19: West Virginia Herb Association Fall Conference, "Wisdom from the Herb Garden: An Introduction and Beyond." Jackson's Mill in Lewis County WV. Keynote speaker: world renowned ethnobotanist, herbalist, and author of THE GREEN PHARMACY, Dr. James A. Duke. Culinary, Medicinal, Growing and Hands-on Craft sessions also offered.

For more information: WVHA website, www.wvherb.org. or contact Dot Mongillion (304-269-6416) smokecamp@iolinc.net or Laura Yokochi (304-782-3190) lyokochi@aol.com.

Support the West Virginia Environmental Council

1324 Virginia Street East, Charleston WV 25301

Phone: (304) 346-5905 Fax: (304) 414-0629 www.wvecouncil.org

Renewed Membership

New Membership

Membership Levels

Change of Address

Donation

\$ 10 Student / Senior

Name: _____

\$ 25 Regular

Address: _____

\$ 50 Seedling

\$ 100 Sustaining

City, State, Zip: _____

\$ 250 Enviro Steward

\$ 500 Canopy

\$ 1,000 Old Growth

Phone: _____ e-mail _____

\$ Other

Won't You Be Our Valentine?

***We need you now more than ever
to be our special valentine!!!***

***Renew your membership!
Make a valentine's day donation!***

***Hugs & Kisses (chocolate included)
also very welcome!***

***West Virginia Environmental Council
1324 Virginia Street East
Charleston, WV 25301***



**First Class
Time Sensitive
Please Rush
Thanks!**

www.wvecouncil.org