



# Green

# Legislative

# Wrap Up

Published Following West Virginia's Regular Legislative Session

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## Under the Dome

By Donald S. Garvin, Jr.

WVEC Legislative Coordinator

### The Final Hours – What a Zoo — Again!

When the clock struck the hour of midnight on the last night of the 2005 session of the West Virginia Legislature, Senate President Earl Ray Tomblin banged the gavel.

The session was over.

I was sitting in the Senate gallery, where I had been sitting off and on for about an hour, in a most gloomy and foul mood.

Earlier in the week both houses had passed SB 287, which transferred the setting of our water quality standards from the Environmental Quality Board to the Division of Environmental Protection. Also earlier in the week, an attempt by Senator Jon Blair Hunter (D – Monongalia) to restore Tier 2.5 status to Fill Hollow Creek, a native brook trout stream, had failed in the Senate on a 17 to 17 tie vote!

Things were not fairing well for the environment this session.

Earlier that evening both houses had passed SB 433, a horrible bill that changed the makeup and powers of the DEP Advisory Council. Things were not going well.

So now all that was left to make it a totally depressing session was SB 289, which for now I will just dub as “the coal industry’s mountaintop removal legalization bill.”

In the final hour on the other side of the capitol the House had voted in favor of a slightly different version of this bill and had sent a message to the Senate asking for the Senate to concur in the House version.

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## Vetoes Salvage Disastrous Session

With a stroke of his veto pen, Governor Joe Manchin has greatly softened the blow of one of the most anti-environment legislatures in recent memory.

Last week the Governor vetoed SB 433 and SB 746, two bills that could have had major negative impacts to the environment. Both bills had been passed by the legislature on the last day of this year’s regular session.

Of course, there were reasons other than the environment for the Governor to veto each of these bills. SB 433 would have resulted in a lessening of the Governor’s authority (this Governor is all about concentrating and moving governmental authority into the gubernatorial office). SB 746 would have meant less money for an economically strapped state (this Governor is also all about controlling the money).

At any rate, and no matter the motive, the Governor vetoed both bills on May 4<sup>th</sup>, the last day for him to exercise his veto power.

### DEP Advisory Council

SB 433 was a terrible bill that added numerous members to the DEP Advisory Council, and removed one of the two existing environmental members on the Council.

Even DEP said they were against the bill because it gave the Advisory Council dangerous new powers to call meetings, appoint technical advisory committees, and “offer suggestions to the secretary for proposed new or amended legislative rules” – all by a majority vote of the newly “stacked” Council membership.

The Advisory Council as currently constituted is fairly well-balanced between the stakeholders members, and only serves in an advisory capacity, rather like a sounding board for DEP to discuss agency rules and operations.

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## 2005 Legislative Interim Schedule

For those of you who might be interested, here is the schedule for 2005 Legislative Interim Committee meetings. WVEC's lobby team will cover these meetings again this year.

**May 15 - 17 (limited schedule)**

**June 12 - 14**

**July 10 - 12**

**August 7 - 9**

**September 11 - 13**

**October 2 - 4**

**November 6 - 8**

**December 11 - 13**

**January, 8 - 10 (2006)**

**Note:** All dates are subject to change and no decisions have been made as to whether there will be any out-of-town meetings.



**June Retreat Planned** ..... The WVEC Board of Directors will be holding the annual June Board Retreat **June 17-19th**. The retreat will be held at **The Life Center**, located in Ritchie County West Virginia.

WVEC goals, legislative priorities and other issues will be discussed. A board meeting will be held Sunday, June 19th.

The retreat is open to all WVEC members who are interested in attending.

**For more information and to register**, please contact the WVEC office: (304) 346-5905



**Special Thanks** ..... to all the WVEC folks who were able to give so much of their time volunteering during the 2005 Legislative Session! Thanks so much for your help getting the *Legislative Updates* out, E-Day! at the Capitol, E-Day Reception, Legislative "Kick-Off Blast" event, and the various miscellaneous endless tasks too numerous to mention!

**The Lobby Team thanks you:** Greg Carroll, Chuck Wyrstok, Julian Martin, Frank Young, Mary Ellen O'Farrell, Linda Mallet, Elizabeth Sampson, Fred Sampson, Laura Spadaro, Mike Forman, Cindy Rank, Vivian Stockman, Ted Boettner, Missy Wolverton, Ammed Solomen, Pat Barker, Carol Warren, Regina Hendrix, Bob Hamburg, Sheila McEntee.

**Thanks talented and generous musicians** ..... who so willingly donated their time & talent to our efforts once again: **Steve Himes, The VooDoo Katz:** Mark Davis, Ammed Solomon, Deron Sodero, Derric Kirk, Kai Haynes & Andy Park and **The Black-Eyed Susans:** Maya Nye & Mia Ross.

**Thank you WVEC members** ..... for your strong support of our 2005 lobbying efforts! Your cards, monetary donations, coming to the capitol during committee meetings, visiting your representatives and other senators & delegates, attending events, phone calls & letters to your representatives - all of this not only contributes to our efforts - we couldn't do it without you!

**Congratulations once more** ..... to the WVEC 2005 award recipients! We've said it before, and we will say it again: Thanks for all you do to protect West Virginia's environment and planet earth: Dave Saville, Myra Bonhage-Hale, Libby Chatfield, Judy Rodd, and Maria Gunnoe.

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# Under the Dome

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So that's where things stood in the final minutes on the Senate side.

A multitude of other bills had also been sent over from the House and they were piling up at the Senate Clerk's desk.

I watched in amazement as Senator Sarah Minear (R-Tucker) droned on and on with a series of inane questions about some minor legislation regarding the sale and consumption of wine produced in West Virginia (this was perhaps the only action Minear has ever taken as a Senator that we can be thankful for).

The clock on the wall above the Senate President's desk ticked on.

Somewhere around 11:50 p.m. all the Senate committee chairmen huddled with the President at the desk to discuss which of the House bills to consider.

And the clock ticked on.

In fact, it is likely that at 11:59:59 p.m. the next bill up for consideration was SB 289.

But the gavel came down and the session was over. SB 289 was dead, at least for another year.

Déjà vu all over again!

It was almost the exact same scenario as last year's session: tension mounting all day; the action moving from one chamber to the other; outcomes unknown until the final minutes. This is the stuff that can lead to major heart attacks.

What a zoo!

And this session seemed to be more intense than any others I have witnessed. On the Senate side important committee chairmen were seemingly abandoned by party leadership in an effort to promote the Governor's legislative agenda. There were angry words uttered, even on the Senate floor.

And on the House side, during the "debate" on SB 289 on that final night, one Delegate stormed out of the House chamber because Speaker Bob Kiss would not recognize anyone to speak against the bill. That Delegate left the building and did not return for the remainder of the session.

That's how raw some emotions were running on the final night. As for me, my emotions were running high that night because SB 289 was such a bad bill.

This was the second year the coal industry had attempted to get this piece of garbage passed. We had

managed to keep the bill bottled up in committee last session. But this year DEP had indicated they supported the bill, and lobbied hard for its passage.

What coal, and apparently DEP, wants is a way around the Hayden decision that the massive valley fills involved in mountaintop removal mining are a violation of the federal Clean Water Act. Even though the Hayden decision has been thrown out on appeal for technical reasons, there has never been a ruling on the merits of the decision.

SB 289 would have changed state law by inserting the federal definition of "fill material" into state statute. Even worse, this bill would have changed the state law that currently forbids waste materials "extracted" during mining operations from being dumped into state waters and streams.

In effect, SB 289 would have given the state's official blessing to mountaintop removal mining, huge valley fills, and the burial of hundreds of miles of pristine West Virginia streams.

A spokesman for DEP even told the House Judiciary Committee that they wanted to change the state law so they could issue more mining permits, free of the threat of future law suits.

But the gavel came down and SB 289 suffered a well-deserved death.

In the final minute of the final hour of the final night, the good guys won another one.

In the past I have frequently complained about the legislature taking up important environmental issues so late in the session. Well, I have learned my lesson and you won't hear me gripe about that again – at least for another year!

And even though it is almost summer, remember to keep your bird feeders full. Your fine-feathered friends will love you for it.

It's a jungle out there!

## Mountain Justice Summer Open House

~ Saturday May 28 ~

### Appalachian South Folklife Center

(near Pipestem State Park in Southeast WV)

Workshops on Appalachian culture, coal mining & mountaintop removal all day and musical entertainment/line dancing Saturday night.

**For more information:** [mntjustice@yahoo.com](mailto:mntjustice@yahoo.com)  
or phone: 1-800-699-2466

# Vetoes Salvage Disastrous Session

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This was the third year the WVEC lobby team has had to battle these proposed changes. And after the session WVEC urged the Governor to veto the bill.

The politics behind this bill are complex. But the roots can be traced back to industry and agriculture still chafing over the antidegradation battle four years ago and their subsequent dissatisfaction with the Environmental Quality Board.

On one level, this bill was being pushed by the Farm Bureau and other agricultural interests who felt they have not had a voice in decisions regarding water quality rules and regulations either at EQB or DEP.

While the farming community is totally wrong concerning the EQB (one of the five EQB members is Cameron Hackney, Dean of the WVU School of Agriculture), they can make a valid case when it comes to DEP. There is currently no representative on the Advisory Council from the “non-point source” community. The federal Environmental Protection Agency, and therefore DEP, is finally moving to regulate “non-point source” pollution under the federal Clean Water Act.

However, as soon as agriculture made its pitch for Advisory Council membership then the piling on began and *everyone* wanted a seat. Next came the timber boys, then the oil and gas guys, and finally the United Mine Workers decided they needed a place at the table, too.

On another level, this bill was being pushed by the coal industry as a companion to SB 287, which transferred water quality rulemaking from EQB to DEP. It was obvious from the beginning that this was the vehicle that the coal boys intended to use to control the setting of water quality standards in the state, once rulemaking was in the hands of DEP.

Why else would the Advisory Council need new powers to call meetings, appoint technical advisory committees, and “offer suggestions to the secretary for proposed new or amended legislative rules”?

Thankfully, the Governor’s veto means we won’t have to seek an answer to that question, at least for another year.

## Severance Taxes

The Governor spent much of the special session that preceded the 2005 regular legislative session convincing legislators to raise the severance taxes on coal, timber, and oil and gas in order to make up a \$3 billion deficit in the Workers’ Compensation fund.

Legislators spent most of the regular session trying to give the money back.

SB 746 would have done just that, at least for timber and oil and gas. So the Governor vetoed the bill.

According to the Associated Press, the new severance taxes — 56 cents on each ton of coal, 4.7 cents per thousand cubic feet of natural gas and an additional 2.78 percent tax on timber — are expected to raise about \$90 million of the \$230 million Manchin plans to raise each year.

SB 746 would have rolled back the timber severance tax from 3.22 percent to 1.22 percent and would have reduced the natural gas severance tax by a penny.

Also according to the AP report, Dick Waybright, executive director of the West Virginia Forestry Association, moaned that the new severance tax represented an 86 percent increase. “What other industry in the state is willing to take an 86 percent tax increase? Coal didn’t take that, natural gas didn’t take that,” Waybright reportedly said. “We’re the only ones being asked to bear this burden.”

Of course, what Waybright failed to mention was that the timber severance tax rate has historically been just a mere pittance and even at that has been the main source of revenue for funding the State Division of Forestry. The Division of Forestry has complained for years about inadequate funding for inspection and enforcement of the state’s Logging and Sediment Control Act (which has no mandatory “teeth” in the first place).

To add insult to injury, SB 746 would have required the resultant shortfall in the Division of Forestry budget to be made up from “general revenue” funds. And on top of that, officials at the Division of Forestry – who normally walk hand in hand down the marble hallways with the timber industry lobbyists – were totally unaware that the industry was pushing for the severance tax roll backs.

Late in the session WVEC joined with WV CAG to ask for a public hearing on the bill, where we spoke against the roll back. From our standpoint, extractive industries should pay the full bill for policing their activities, and the natural resources they extract should never be undervalued.

The AP reported that Manchin vetoed SB 746 because of the ratings on bonds the State would use for the workers’ comp deficit. “I had bond opinion on that, that it would jeopardize our workers’ compensation bonds, and I was not going to let that happen,” the Governor reportedly said.

No matter the reason, SB 746 deserved a veto.



# The Battle for Fill Hollow Creek

By Donald S. Garvin, Jr.

WVEC Legislative Coordinator

The Eastern brook trout is the only trout native to West Virginia. In fact, the native Eastern brook trout is our official “state fish.”

“Brookies” are beautiful, delicate, brightly colored creatures. They thrive in pristine, cold streams and their presence is one of the best indicators that a stream is of the highest water quality. And that is precisely why these beautiful little fish love West Virginia’s high mountain streams.

Most folks in this state highly value these wonderful little fish and the streams they call “home.” In fact, under the state’s antidegradation plan, the presence of native brook is one of the main criteria in qualifying a stream for Tier 2.5 protection as a “water of special concern.”

The antideg plan passed by the legislature four years ago contained a “presumptive list” of Tier 2.5 streams, primarily comprised of streams identified by the Division of Natural Resources as containing native brook trout populations. The plan also contained a provision allowing citizens to nominate streams not on the presumptive list for the higher protections afforded under Tier 2.5 designation.

So two years ago landowners in Preston County went before the Environmental Quality Board and nominated two native brook trout streams running through their property for Tier 2.5 status. Over a period of almost 18 months, the EQB conducted a complex and thorough review of the nomination. They held numerous meetings on the nomination, including an official public hearing and site visit in Preston County. They also considered testimony on the impact of Tier 2.5 protection from other landowners who opposed the designation.

There was no doubt that the streams were native trout streams – DNR stream surveys showed that the streams do in fact contain reproducing populations of Eastern brook trout. And after thorough consideration and lengthy public discussion, EQB unanimously voted to accept the nomination and designate the two streams, Watkins Run and Fill Hollow Creek, as Tier 2.5 streams in the water quality standards rule sent to the Legislature this session.

And that’s where the Battle for Fill Hollow Creek began.

At the last Interim session prior to the regular legislative session, the Joint Interim Rulemaking Committee approved the water quality standards rule with no changes. During the regular session the Senate Judiciary Committee

was the next to consider the rule, where it passed with no changes. The rule then went to the Senate floor where it passed, again with no change.

But when the rule was taken up in the House Judiciary Committee the enemies of little Fill Hollow Creek reared their ugly heads.

It seems that this beautiful little stream also runs through land owned by John Crites and Allegheny Wood Products. Crites and AWP were opposed to the Tier 2.5 designation, fearing that it might “limit their options for future development” of their property.

Crites’ soldier in the Battle for Fill Hollow Creek on this day was Delegate William Hartman (D – Randolph). It was Hartman who offered the amendment “on behalf of his constituents” to remove the Tier 2.5 designation of Fill Hollow Creek from the rule. After some debate, the Judiciary Committee agreed to the amendment in a close vote.

The amended rule was then sent to the House floor, where Delegate Virginia Mahan (D – Summers) led a valiant, yet unsuccessful, attempt to restore the Fill Hollow Creek designation. The rule was then sent back to the Senate for reconsideration.

The Battle for Fill Hollow Creek really began to heat up when the Senate Judiciary Committee took up the rule again. Senator Jon Hunter (D – Monongalia) led the charge to restore the stream’s Tier 2.5 designation, with the full support of Chairman Jeff Kessler (D – Marshall). All the Republicans on the committee lined up in opposition to the designation. They were led in battle by Senator Clark Barnes (R – Randolph) who spoke on behalf of “his constituent, Allegheny Wood Products,” and Senator Don Caruth (R – Mercer), who it seemed was just totally opposed to the whole idea of antidegradation and special Tier 2.5 protection.

Due to the absence of Senate Majority Leader Truman Chafin (D – Mingo), who is also a member of the Judiciary Committee, the first vote by the committee resulted in a tie, with all the Republicans voting against restoring the designation, and all the Democrats except for Senator Mike Oliverio (D – Monongalia) voting in favor.

But the Battle for Fill Hollow Creek was not yet over in Senate Judiciary. Chairman Kessler remained true to the cause, made sure that Senator Chafin attended the next committee meeting, and allowed Senator Hunter to bring the rule back up for reconsideration. The vote to reconsider passed by one vote – Chafin’s. The committee then voted to restore the Tier 2.5 designation, which passed again by a one-vote margin.

The final Battle for Fill Hollow Creek occurred when the water quality standards rule was taken up again on the Senate floor with the Tier 2.5 designation amended back in by the Senate Judiciary Committee.

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## *In the News . . .*

Toxic emissions into West Virginia's air and water **increased by nearly 11 percent** in 2003, according to the latest EPA annual "Toxics Release Inventory" report issued on May 11. In contrast, the report said that overall chemical pollution released into the environment fell more than 6 percent nationwide. According to the report, power plants, steel mills and chemical factories in WV pumped more than 83 million pounds of toxic chemicals into the air and water in 2003. EPA said that West Virginia companies reported 78.9 million pounds of toxic air emissions in 2003, and 4.2 million pounds of toxic discharges to rivers and streams. *(From May 12 article by Ken Ward, Jr., the Charleston Gazette). Thanks, DEP, for this wonderful gift!*

State regulators last week shut down the **highly visible clear-cutting operation** at Charleston's Yeager Airport after citing two logging contractors for repeated environmental violations. On May 2 the state Division of Forestry issued a suspension order to Elk Logging of Clay, citing the company for operating in a stream, not having proper drainage control on logging skid roads, and failing to seed and mulch those roads. Over the last three months, Forestry inspectors had cited logging contractors at Yeager in six of the 10 investigations conducted at the airport-logging job. Airport Manager Rick Atkinson reportedly said, "My experience with the Division of Forestry is that you have to take them pretty far to get them to take that kind of action." *(From May 5 article by Ken Ward, Jr., the Charleston Gazette). Just another example of why the state needs stronger – mandatory — timber regulations.*

This session the WV Legislature passed, and the Governor has signed, **SB 287**, which transferred water quality rulemaking authority from EQB to the DEP. So DEP will now be the agency that determines just how clean, or how dirty, our state waters will be. And even though DEP has sought this change for the last two years, according to press reports "while the bill was being debated, **DEP officials say that they never sat down to figure out how they would do the job.**" The agency has finally appointed an "internal team" to discuss "how much money and how many employees are needed to write water quality standards," among other issues to implement the rulemaking change, such as evaluating "state open meetings requirements and federal public participation regulations." Meanwhile, in anticipation of the July 1 changeover date, EQB has put several industry variance requests on hold, and DEP has released a document that

showed that even preliminary plans for handling rulemaking duties would not be ready until July 1. *(From May 4 and May 6 articles by Ken Ward, Jr., the Charleston Gazette). Be careful: you might get what you ask for!*

A recent analysis done by the bipartisan Center for Responsive Politics, shows that **ideological and single-issue political action committees** are growing more important in election campaigns. According to the report: when Sen. Robert C. Byrd ran for the Senate the last time, in 2000, he raised \$28,800 from ideological and single-issue groups. In contrast, Rep. Shelley Moore Capito raised \$640,198 in donations from Republican Party leadership political action committees and other single-issue ideological PACS in her 2000, 2002 and 2004 campaigns. *(From May 8 article by Paul Nyden, the Charleston Gazette). Another example of why this state needs election reform and public financing of campaigns.*

## **The Battle for Fill Hollow Creek**

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Senator Hunter gave an inspirational speech in favor of protecting the brook trout and this beautiful little stream that happens to be located in his senatorial district. Senator Caruth again gave a rambling monologue in opposition to the designation, in opposition to EQB, in opposition to Tier 2.5 in general.

When the final vote was taken the Battle for Fill Hollow Creek ended in a 17-17 tie, which meant that the House version, without the Tier 2.5 designation, prevailed. Inexplicably, Senator Roman Prezioso (D – Marion) changed his mind and voted against the designation, resulting in the tie vote.

However, the battle is not over for Fill Hollow Creek. Citizens can always renominate this stream in the future.

As for the water quality standards rule, the good news is that Watkins Run remained in the rule and became the first stream ever successfully designated for higher protection through the new antidegradation nomination process.

And during the week of the special budget session that immediately followed the regular session, it was Senator Jon Blair Hunter who had the last word when he took on to the Senate floor an 18" rainbow trout that he had caught while fishing that week and offered it up as an example of the good things that could result through the strong protection of our trout streams.

So to you, Senator Hunter, all we can say is "thanks" for being so irrepressible.

# WVEC Quick Summary: 2005 WV Legislature Environmental Issues

## WVEC's 20/20 Vision for Clean Air

- **WV Renewable Energy Portfolio** — We worked hard to get a resolution supporting the goal of having 20% of the energy produced in the state come from renewable sources by the year 2020 but this fell victim to the Governor's desire to build more power plants in the state.

- **DEP Air Rules 45CSR14 and 45CSR19** — We strongly opposed these proposed rules which would replace current WV air emissions limits with weaker, controversial Federal standards that are currently in litigation. And for the first time in recent memory, the lobby team orchestrated a serious discussion in committee about air quality. However, in the end we lost and these rules were adopted.

- **Greenhouse Gas Emissions** — DEP and the Governor backed off on legislation that would require industry to measure and report their "greenhouse gas" emissions.

- **Clean Indoor Air** — We opposed **SB 46** that would prevent local health officials from establishing "smoke free" designations in public buildings. We won on this one.

## Water Quality

- **Environmental Quality Board — SB 287** transferred rulemaking authority from EQB to the DEP. We've fought this battle for three years now, and we finally lost. DEP will now be the agency that develops WV's water quality standards (see article on Page 4).

- **EQB Water Quality Standards Rule** — Although one of two native brook trout streams nominated for Tier 2.5 protection was removed, the second stream — Watkins Run — remained and became the first stream ever successfully designated for higher protection through the new antidegradation public nomination process (see article on Page 5).

## Mining Regulation

- **Coal Sludge Impoundments** — We lobbied for legislation — or at least a resolution — calling for a ban on the construction of new coal sludge impoundments, but simply ran out of time to get it done.

- **Valley Fill Bill** — **SB 289** would have amended the new federal definition of "fill material" into state law, and would have changed the state's statute allowing fill material to be dumped into state streams. We put up a strong fight against this bill — and won! (See *Under the Dome* on Page 1).

## Other Bills

- **DEP Advisory Council — SB 433** was a terrible bill that added numerous members to the DEP Advisory Council, removed one of the two existing environmental members on the Council, and gave this body dangerous new powers. Even though the measure passed in both houses, the Governor vetoed the bill on May 4 (see article on Page 1).

- **Severance Taxes** — The Governor vetoed **SB 746**, a bill that would have greatly reduced severance taxes on timber and natural gas production (see article on Page 1).

- **Anti-Wilderness Resolutions** — Absolutely outrageous resolutions were introduced in both houses urging the Forest Service to establish no new wilderness areas in the Monongahela National Forest. The House resolution actually passed on the next to last day of the session, but with the help of our member groups such as the WV Wilderness Coalition we kept it from coming to the floor in the Senate. This was a good win.

- **Bottle Bill** — Advanced and then died in committee.

- **Clean Elections Bill** — Advanced and then died in committee.

- **Miscellaneous Bills Enacted and Signed by Governor — SB 455** allows the State to loan money, through the issuance of bonds, to Allegheny Power to finance the installation of scrubbers at the Fort Martin power plant. **HB 2813** allows power companies to file for PSC "certificates of public convenience and necessity" for new plants simultaneously with application for other required permits and licenses. **HB 2333**, the "Environmental Good Samaritan Act," limits liability for landowners and watershed associations in order to encourage voluntary reclamation of lands adversely affected by mining activities. **SB 154** allows for "beneficial use" of water treatment plant sludge.

## **The "Lavender & More" Fair**

**LaPaix Herb Farm, Alum Bridge WV**  
(Located Outside of Weston - Lewis County)

**Saturday, June 25th**

**Workshops, Booths, Sustainable Initiatives,  
Walks, Culinary Delights & More.**

**Information: [lapaix1@westvirginia.net](mailto:lapaix1@westvirginia.net)  
or call Myra at: (304) 269-7681.**

# This Year's Session Underlines Need for Fair and Clean Elections

By Janet Fout, OVEC

Is it just me or have the rest of you noticed that special interests “ruled” during the 2005 legislative session? Where were the bills that would have improved the quality of life for average West Virginians? When we can't even get lawmakers to approve a bill that allows nursing mothers to feed their babies in public (note: this is the primary function of mammary glands), how much do they really care about the needs of people?

When rule-making authority for water quality issues is transferred out of the hands of an objective body of experts (the Environmental Quality Board) and into the hands of the Division of Environmental Protection, a political agency that bows to the demands of polluters, what does that say about how well our legislators look out for the public interest? One has to wonder how much our politicians are listening to the people when the biggest environmental “victory” was defeating a resolution meant to halt the possibilities of new wilderness designations in West Virginia.

When we examine the special interests issues that passed this session, there's little room for doubt who was calling the shots under the dome. Julie Archer, lobbyist for WV Citizen Action Group, had this to say about the session: *“I really think this legislative session is indicative of why comprehensive campaign finance reform is needed — from third party bad faith and other tort reform measures, to tax breaks (severance tax reductions) for industries (coal, oil & gas and timber) that profit from OUR natural resources. Industry also successfully gutted the EQB by taking away its rule making authority and succeeding in getting legislation passed to stack the DEP advisory panel with its cronies and hacks. Oh, I almost forgot that the pharmaceutical companies successfully gutted the bill to give the new Prescription Drug Advocate the power to negotiate drug prices. Need I go on?”*

If ever a legislative session underscores the need for “voter-owned,” Fair and Clean Elections in West Virginia, it was this one. Although the Clean Elections pilot project bill (which would have provided a test run in the 2006 elections) was on the House leadership's “fast track” for passage, in the end, it stalled in Senate Finance. The good news is that we made more progress than ever, shepherding the bill through both the House and Senate Judiciary Committees.

We can't thank members of Citizens for Clean Elections enough for phone calls, letters, postcards, and e-mails from their members. The West Virginia Council of

Churches, which chose Clean Elections as their number one legislative priority, can take much credit for garnering the support of legislative leadership. While many of our coalition partners had other front-burner issues, they made certain that legislators knew of their interest and involvement in Fair and Clean Elections. Who can remember a time in West Virginia when the faith community, environmentalists, educators, organized labor, senior citizens, social workers, advocates for children and others were working together? It truly is inspiring and more than that- it's powerful.

Rather than be discouraged, Citizens for Clean Elections will continue to meet on a monthly basis and begin planning a new campaign to raise awareness that regular West Virginians deserve better treatment from the legislators. “Voter-owned,” Fair and Clean elections is the much needed first step to breaking the strangle-hold of big special interests on our politicians.

**For more information about Fair and Clean, “voter-owned” elections, check out our website at [www.wvoter-owned.org](http://www.wvoter-owned.org).**

## Bottle Bill Makes Progress

By Linda Mallet, WV-CAG

The 2005 WV Legislative Session ended without the passage of a Bottle Bill. While this is disheartening news, we did make progress during the 60-day session.

Bi-partisan sponsorship in both the House and Senate grew this year to seven senators and seven delegates. Many others stated their support, citing the changes to this year's bill that remove bottlers and retailers from the container redemption loop as their reason to come on board.

On March 30 during E-Day at the Capitol, we held our second Deposit Day. We once again collected about 4,000 containers, giving recyclers 10-cents for each one. Students from WVU in Morgantown and Parkersburg were on hand to help and the Morgantown crew brought down a U-Haul with about 15,000 containers in plastic bags. The students brought their truck into the Capitol's fountain area, emptied it and placed the bags in the shape of West Virginia. It was a great demonstration in the day's spectacular weather, with many state employees walking by the display on their way to eat lunch outside.

Deposit Day events are proving to be a great way to show how a bottle bill can work. WV-CAG plans to hold many more of these events across the state in the coming months. If your group would like to help us host such a event, please contact me.

Thanks to all of you who contacted your legislators during the session. These calls make all the difference and help tremendously in our lobbying efforts. For updates throughout the year, please visit [www.wvbottlebill.org](http://www.wvbottlebill.org).



# Calendar of Events



**May 26:** Deadline for U.S. Representatives to become an original co-sponsor of the Clean Water Protection Act.  
**Contact your congressional representatives today!**

**Clean Water Protection Act** to be introduced this month in Congress - Appalachian Voices urges you to contact your Representative today!

There has never been a more important time for your voice to be heard, through contacting your US Representative, to help STOP MOUNTAINTOP REMOVAL MINING. The Clean Water Protection Act, which would prohibit burying our streams with mining waste, will be introduced at the end of this month!

Contact your congressional representatives today and urge them to become an original co-sponsor of the **Clean Water Protection Act**. The deadline for representatives to become an original co-sponsor is **May 26**. Ask your Representative to contact Congressman Frank Pallone's office to sign onto the Clean Water Protection Act as an original co-sponsor.

**For help writing your letter:** <http://en.groundspring.org/EmailNow/pub.php?module=URLTracker&cmd=track&j=30313527&u=275404>

**LETTER:** At this time it is most effective to write your Representatives and Senators at their DISTRICT OFFICES, as mail delivery to DC Congressional offices continues to be slowed by security measures. To find more information on your Congress people, including addresses for DISTRICT OFFICES, please visit <http://en.groundspring.org/EmailNow/pub.php?module=URLTracker&cmd=track&j=30313527&u=275405>.

**PHONE:** Call the Congressional switchboard at 202-225-3121.

**E-MAIL:** Find your Representative's e-mail address at <http://en.groundspring.org/EmailNow/pub.php?module=URLTracker&cmd=track&j=30313527&u=275406>.

**Please note:** Representatives can continue to sign on after May 26 as co-sponsors — this deadline is only for ORIGINAL co-sponsors who will appear on the bill when it is introduced in the House of Representatives.

**May 28:** Mountain Justice Summer Open House. Appalachian South Folklife Center near Pipestem State Park, south east WV. Workshops on mountaintop removal, media, water testing & many more. Dormitory accommodations are limited - for those wishing to stay overnight, camping is suggested. Potluck supper, films and music in the evening. Donation to cover cost requested.

**For more information & directions:** [mjustice@yahoo.com](mailto:mjustice@yahoo.com) or phone: 1 800 699-2466.

**June 6:** Green Energy Expo. Market Street & Forbes Ave. downtown Pittsburgh, PA. 11 am - 6 pm. Green power technologies, conservation designs, sustainable alternatives to fossil fuel.

**For more information & to participate:** [canariespgh@riseup.net](mailto:canariespgh@riseup.net).

**June 11 & 12:** Dolly Sods North/Dolly Sods Backpack - Mon National Forest - (part of WV Mountain Odyssey 2005.) 14 mile moderate Backpack with sweeping views, vistas, streams & waterfalls. Will try to hike 7 miles each day.

**For more information:** Mike Juskelis, (410) 439-4964 or [mjuskelis@cablespeed.com](mailto:mjuskelis@cablespeed.com).

**June 17 ~ 19:** WVEC Board of Directors June Retreat. The Life Center, Ritchie County. Open to WVEC members.

**For more information contact:** WVEC office, (304) 346-5905.

**June 25:** Third Annual "Lavender & More" Fair! LaPaix Herb Farm, Alum Bridge, WV (Lewis County.) Featuring a variety of Workshops, Walks, Booths, Culinary Delights, Sustainable Initiatives, Demonstrations and much more! Silent Auction with proceeds going in support of *Sustainable Living For West Virginia* organization.

**For more information contact:** Myra Bonhage-Hale, [lapaix1@westvirginia.net](mailto:lapaix1@westvirginia.net) or (304) 269-7681.

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## Support the West Virginia Environmental Council

1324 Virginia Street East, Charleston WV 25301

Phone: 304-346-5905

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