



# WRAP-UP

The Newsletter of the West Virginia Legislature

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## Legislative Deliberations Regarding Marcellus Shale Move Forward

As the 2011 Regular Session nears its halfway point, the 80th Legislature is continually dealing with many challenging and important issues.

One such complex issue deals with harvesting natural gas from West Virginia's abundant Marcellus Shale reserves. The Marcellus Shale is a formation of sedimentary rocks that lies under a 95,000-square-mile area that includes part of southwestern New York, most of western Pennsylvania, eastern Ohio and nearly all of West Virginia. Marcellus gas reserves lie between 3,000 feet and 9,000 feet under the land's surface.

Formed in the Appalachian Basin over 300 million years ago, the Marcellus Shale formation has recently become an economically viable source of natural gas due to technological advances in horizontal drilling and the hydraulic fracturing process. Hydraulic fracturing, or "fracking," involves injecting a mixture of water and chemicals under high pressure to release the natural gas reserves contained in the shale.

While this industry could potentially provide significant economic benefits to the state, lawmakers are currently grappling with a myriad of issues to ensure that this is done in a balanced manner beneficial to all citizens and stakeholders.

According to a recently published study produced by West Virginia University and the Oil and Natural Gas Association, between 2002 and 2008, West Virginia led the nation in the number of gas drilling permits issued. More than 2,800 permits were issued for new drilling in 45 of the state's 55 counties.



MARTIN VALENT WEST VIRGINIA LEGISLATURE

### Senate Energy, Industry & Mining Committee

Throughout the 60 Day Session, legislators will be giving thorough consideration to Marcellus Shale legislation. Lawmakers sitting on a variety of committees hear from industry experts and environmental advocates regarding harvesting natural gas from the Marcellus Shale reserves.

The industry-funded study focuses on the economic impacts of our growing efforts to extract natural gas from the Marcellus.

In 2009, the study shows, West Virginia's natural gas industry generated more than \$12 billion in business, created more than 24,000 jobs in the state and paid more than \$550 million in wages.

The report also notes that it is possible that Marcellus development created between 7,600 and 8,500 additional jobs in West Virginia in 2010. According to the report, by the year 2015, West Virginia could see 19,000 more jobs because of Marcellus development and related activities.

With any new industry the positive economic outlook must be balanced with proper care for the environment and a respect for all citizens' rights. This industrial

process has created many questions for lawmakers to consider with regard to both the environment and landowner rights.

Other advocates contend that tapping into the Marcellus shale field comes at a high cost, ranging from contamination of ground water to damage to local roadways from moving heavy equipment to the drilling sites to infringement on landowners' rights.

The Legislature is considering how to regulate it responsibly as the U.S. Environmental Protection Agency is examining the fracking process to determine whether it endangers supplies of drinking water.

In order to address some of these concerns through regulation the "Hydraulic Fracturing and Horizontal Drilling Act"



# In the Senate

As of 4:00 p.m. Wednesday, February 9, 2011, the 29th day of the 80th Legislature's first Regular Session, 479 bills have been introduced in the Senate. Of these, 24 passed in the Senate and have been sent to the House for its consideration. The bills passed by the Senate this week include:

**Senate Bill 78** would require parental consent and accompaniment for a minor using a tanning device. The bill would require minors between the ages of 14 to 17 to present a parental consent form, and minors under the age of 14 must present the consent form, and also be accompanied by a parent or legal guardian.

**Senate Bill 186** would establish the West Virginia State Police as the entity that is authorized to issue administrative subpoenas to Internet service providers in cases of suspected child pornography. This bill gives the West Virginia State Police the authority to define offenses and set penalties and fees.

**Senate Bill 195** would adjust the requirements for an individual to become a magistrate. The bill would require magistrates to possess a bachelor's degree, an associate's degree in criminal justice or at least four years of prior experience as a magistrate. The bill would go in effect in 2014.

**Senate Bill 254** would make a supplementary appropriation of federal funds to the Development Office and the Division of Human Services - Energy Assistance.

**Senate Bill 255** would make supplementary appropriations of remaining moneys to various accounts, such as the Governor's Office, DHHR, Division of Rehabilitation Services, among other agencies.

**Senate Bill 256** would require sex offenders to verify their e-mail and other online identities in the same way as they register their physical address.

**Senate Bill 281** would make it a crime for a person to put certain types of invasive software such as, spyware or a virus, on mobile devices of another person without his/her consent or knowledge.

**Senate Bill 349** would make it a requirement for a bittering agent to be placed in certain engine coolants and antifreezes to prevent personal injury or death of human beings and animals. If implemented, violation of this bill would be considered a misdemeanor.

**Senate Bill 438** would change the election process for magistrates to be elected by division.

**Senate Bill 265** would allow certain offenders to have contact with children, but only when the court finds it in the best interest of the child.

## A Sampling of Bills Introduced In the Senate

**Senate Bill 338** would authorize the state to opt out of a federal statute that would otherwise not allow an individual living in the state who has previously been convicted of a

## Completed Legislation

02/02/2011 - 02/09/2011

**Senate Bill 184** will provide that disposition of the remains of a deceased military service member who dies while serving in the United States Armed Forces to be governed by the directives in the United States Department of Defense Record of Emergency Data Form previously completed by the service member.

**Senate Bill 200** will correct the names of state institutions of higher education. The bill will correctly name West Liberty State University as West Liberty University.

**Senate Bill 342** will appropriate \$8 million for the purpose of financing the special elections to fill a vacancy in the office of Governor.

**House Bill 2853** will provide for a primary and special election to fill the vacancy in the office of the Governor. The bill would call for the primary election to be held on May 14 and the general election to be held on Oct. 4.

felony involving a controlled substance from receiving certain benefits provided by the Social Security Act and the Food Stamp Act.

**Senate Bill 419** would create the "Health Care Choice Act" by seeking to increase the availability of health insurance coverage by allowing insurers authorized to sell insurance in Kentucky, Ohio, Maryland, Pennsylvania and Virginia to issue accident and sickness policies in West Virginia.

**Senate Bill 429** would provide educational scholarships for the children of war veterans. The scholarship would include tuition, institutional fees and standard room and board allowance. The bill would provide that the West Virginia Division of Veterans' Affairs administer the scholarship program.

### The West Virginia Legislature's Reference and Information Center

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## In the House

As of 4:00 p.m., on Wednesday, February 9th, 2011, the 29th day of the 80th Legislature's 1st Regular Session, 1086 bills have been introduced and have passed 44. Of those, 13 passed this week and have been sent to the Senate for further consideration. The bills passed by the House this week include:

**House Bill 2013** would increase the training that a dispatcher must have to work at a 911 center, adding a new 40 hour course in "emergency medical dispatch." The bill further would require each dispatch center to develop protocols for dispatching their emergency medical calls.

**House Bill 2368** would require the Board of Barbers and Cosmetologists to establish an apprenticeship program. This bill would update the existing system for training and procedures relating to the practice of beauty care.

**House Bill 2503** would authorize the Board of Barbers and Cosmetologists to require government identification to be presented prior to issuance of licenses. The bill also authorizes the board to retain all information regarding licensees.

**House Bill 2562** would move the State Athletic Commission under the Lottery Commission to assist in administrative functions. The bill would also make mixed martial arts a licensed sport with regulations set forth by the State Athletic Commission.

**House Bill 2663** would require the Public Service Commission to be present in hearings in which it has retained the right to serve as the initial fact finder in the case. This would include any associated public protest hearings.

**House Bill 2708** would remove the 12-month limitation on the length of agreements between law-enforcement agencies. Rather than expiring after a year, agreements under this proposed bill would remain in effect unless and until the agreement is changed or

withdrawn by the head of one of the law-enforcement agencies.

**House Bill 2750** would make the commission of sexual assault a consideration when issuing the permanent or temporary end to a parent-child relationship. This bill would allow a judge to take into consideration sexual assault or sexual abuse when deciding whether or not to remove a child from the home.

**House Bill 2752** would increase the age of persons applying for appointment to a position on a police force within certain cities. The age would be increased from 35 to 40 years old. This increase will pertain to any person(s) applying for a position in a Class I or Class II city.

**House Bill 2757** would provide for the evaluation of professional personnel within the public school systems. This bill would require the State Board of Education to establish a task force to address rule changes for personnel evaluations. The bill would also require the state board to report the evaluations to the Legislative Oversight Commission on Education Accountability.

**House Bill 2787** would transfer the licensing of private investigators and security guards

from the Secretary of the State to the Division of Justice and Community Services. All procedures, rules and regulations for these professions would be transferred to the Division of Justice.

**House Bill 2864** would create a misdemeanor crime of unlawful restraint in the first or second degree. First-degree unlawful restraint would be considered intentionally restraining someone by use without proper authority. This would carry a maximum sentence of one year in jail and a \$500 fee. Second-degree restraint is defined in this bill as restraint based on intimidation. This crime would carry a maximum of six months in jail and a \$100 fine.

**House Bill 2871** would provide that the Brownfield Economic Development districts comply with local planning laws. This compliance must take place before an application for such districts would be approved.

**House Bill 2936** would change the date of the canvassing votes in a primary election. This bill would change the date from the Friday following a primary election to the Monday following a primary election.

### West Virginia Legislature's Web site

The online **West Virginia Code** has been enhanced to show bills that have become law (under the chapter of the code affected) but have yet to be incorporated in the online version. <http://www.legis.state.wv.us/WVCODE/Code.cfm>

**Bill Tracking** has been improved to allow users the ability to prioritize bills and add personal notes. Users can also now sort and view their bills by multiple criteria. [http://www.legis.state.wv.us/billstatus\\_personalized/persbills\\_login.cfm](http://www.legis.state.wv.us/billstatus_personalized/persbills_login.cfm)

The legislative blog **Today in the Legislature** is a daily synopsis of legislative floor activities, complete with photos and daily committee meeting schedules. [http://www.legis.state.wv.us/daily\\_sum/today.cfm](http://www.legis.state.wv.us/daily_sum/today.cfm)

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## MARCELLUS SHALE - from Pg. 1

was introduced in both the Senate (SB 258) and the House (HB 2878) in late January. This bill came out of extensive work by interim committees during the months leading up to session. The bill is now being considered in the Judiciary Committee of each body. It is a comprehensive bill that will regulate Marcellus Shale development in areas including land use and surface owner rights, water quality and quantity, disclosure of chemicals used in the hydraulic fracturing process and waste management and disposal.

Clearly this is a very complex, detailed and highly important issue. Lawmakers will be hard at work during the second half of this legislative session and beyond to come up with real solutions that strike the appropriate age-old balance between industry, environment and citizens' rights. ■



MAX HUNT WEST VIRGINIA LEGISLATURE

### **Joint Hearing - House Judiciary & Finance Committees**

The House Judiciary and Finance Committee's have hosted three Informational Joint Hearings on various topics regarding Marcellus Shale in the House Chamber.