

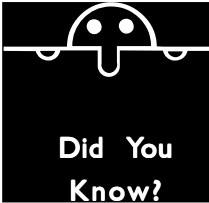


Inside This Week's Issue:

Arrest at Protest Only Fuels the Fire

What Bills Will Be Left Standing?

Come to E-Day on March 2!



Did You Know?

Capital Eye comes out weekly during the Legislative Session and bi-monthly throughout the rest of the year. If you have questions or comments about its content, please contact us. If you'd rather receive the *Eye* on-line, e-mail linda@wvcag.org

State Forest Protection Bill Passes Senate, New Threat to Parks Introduced

by Gary Zuckett, garyz@wvcag.org

By a 33-0 vote, SB 460, which originally focused only on Kanawha State Forest but now applies to all state forests, passed out of the Senate this week! It has now been assigned to the House Judiciary Committee, whose chair, Delegate Carrie Webster, is a cosponsor of the original House bill. This is very good news to those who want to protect our state forests from the marauding chainsaws and bulldozers wielded by contractors for the oil and gas industry.

Last Spring, one such contractor mistakenly cut and bulldozed a 60-foot wide, mile-long road through the most pristine area of Kanawha Forest in preparation for drilling a well.

New public notice and additional advance notice to park and DNR officials included in this bill will help prevent unnecessary damage when minerals below our state forests are developed. The Kanawha State Forest Coalition along with CAG is working hard to shepherd this bill through the remainder of the session. You can help by contacting members of House Judiciary (www.legis.state.wv.us/committees/house/main.cfm) and ask them to vote yes on SB 460 without amendment.

As we predicted last week, a threat to our state **parks** has emerged in SB 683 & HB 3214, which would allow oil and gas drilling in state parks where private interests hold the mineral rights. Thankfully, the Senate bill has been assigned to three committees which means it may not have time to pass the Senate before the February 28 deadline.

However, the House version is referenced only to the Agriculture & Natural Resources committee, so contact members of this committee (see link above) and tell them your concerns on this bad bill.

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WV - CAG
was founded in 1974
as a non-profit
membership
organization
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 &
health care reform.



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Will Stalled Clean Elections Bill Die or Will Promises Be Kept?

by Norm Steenstra, norm@wvcag.org

By the time you read this the fate of our Clean Elections bill will probably be decided. Senate Finance Chairman Walt Helmick continues to hold up the bill in legislative purgatory. Earlier this week he promised at different times that he would take up the bill to the Council of Churches, the AFL-CIO, Senator Brooks McCabe, and our Clean Elections lobbyists. The bill is not on the Friday afternoon agenda. If the bill does not pass Helmick's Committee by early next week, it will likely die and another year's efforts to get Helmick to move the bill will be in vain.

Helmick will likely defend his inaction by saying "the committee just ran out of time" - yet late Friday afternoon he had time to move a bill that would permit millions of tons of out of state garbage to their final resting place in McDowell County. Such is the system we must deal with. A system in which a very few powerful people oblivious and almost immune to public opinion can block progressive attempts to clean up the process. About all we can do yet this session is continue loudly to register a profound disgust of Senate leadership's dishonest treatment of Clean Elections. Again if you haven't done it yet, spell check "Helmick". We wonder what the program writers knew.

Bill Would Open the Door To Out of State Garbage

by Norm Steenstra, norm@wvcag.org

A bill almost certain to pass the Senate next week would radically change solid waste management policy in our state. 16 years ago environmentalists led by then Senator David Grubb (WV-CAG Founder) carefully crafted a law that limited the size of landfills and made the cost of dumping quite expensive by imposing a fee of \$8.25/ton.

The law has worked for the past decade and a half. The flood of Out-of-State Garbage has slowed to a trickle. The

(continued on page 2 - see "Garbage")

Odds and Ends

by *Ted Boettner, ted@wvcag.org*

Monday at 1 p.m. the Senate Pensions Committee will take up SB 533, which creates a system of universal voluntary (retirement) accounts administered by the Public Employment Retirement System for every worker in the state who wants one. Senator Dan Foster (D-Kanawha) asked us to make a presentation at that meeting with the hope of getting a study resolution passed this session. This would go a long way toward furthering the discussion, and give us the opportunity to collect data and educate more legislators for next year.

Regarding tax avoidance, Sen. McCabe has been working on drafting a bill on combined reporting that should filter its way out of Senate Finance today. Combined reporting would stop tax avoidance strategies by not allowing multistate businesses to transfer their profits to tax haven states like Delaware. CAG has worked hard pushing for this legislation since July of last year when Gov. Manchin held his tax summit in Charleston. Stay tuned next week for a bill number and more updates.

SB 451, which allows low-income people to claim 100% of the tax credit in 2007 instead of only 50 percent, is likely to die this week. With so many other bills needed to be taken up by Senate Finance, this bill was low on leadership's list. Despite its lack of flamboyance, this bill would have been a nice victory for low income families. Thank you to Senator Clark Barnes for introducing this bill.

Consumer Bills Doomed as Deadline Approaches

by *Gary Zuckett, garyz@wvcag.org*

Timeline at the legislature: all bills must pass from their originating chamber by Feb 28th (next wed) or they automatically expire. For the majority of bills introduced, this is a blessing and they should expire. However, many good ones will fall by the wayside as well. This appears to be the fate of the good consumer bills I outlined last week on credit scoring, credit report freeze, insurance consumer advocate, (correction on credit scoring – the bill number is HB3061 not 2061) as well as scores of others we have been advocating.

On the positive side, the Asbestos/Silica “tort deform” bill barring injured workers from just compensation appears to heading for the same fate since it is not, at this time, on any committee's agenda.

One caveat, chairs can “originate” bills in their committee at any time. Also, as the frenzy to complete work reaches a crescendo during the last days of the session, (which ends at midnight on March 10th) whole bills which were formerly declared “dead” can rise again and become attached as amendments (or substitutions) to legislation that is still in process. Watch for these kinds of moves by the behind-the-scenes power brokers over the session's final two weeks.

Iraq Resolution Sparks Protest

by Gary Zuckett, garyz@wvcag.org

*All democracies
turn into
dictatorships -
but not by coup.
The people give
their democracy
to a dictator,
whether it's
Julius Caesar or
Napoleon or
Adolf Hitler.
Ultimately, the
general
population goes
along with the
idea...That's the
issue that I've
been exploring:
How did the
Republic turn
into the Empire
... and how does
a democracy
become a
dictatorship?
Star Wars
filmmaker
George Lucas,
at Cannes film
festival 2005*

Friday, February 16th was a day of action in both Washington and here in WV on the effort to pass a resolution opposing the escalation of the conflict in Iraq. Three major events occurred that day. The US House passed by a wide margin a resolution supporting our troops in the Iraq conflict but opposing Bush's "surge" of over 20,000 additional US soldiers to be sent into their civil war. At the WV legislature, HCR 37 was introduced with the exact same language as the US House and co-sponsored by ¼ of WV's House of Delegates. At 9AM that morning, Rev Jim Lewis, along with others from WV Patriots for Peace walked into US Rep Shelley Capito's office in Charleston to urge her to vote for the resolution since she had previously spoken out against the president's "surge" proposal. They planned to stay as long as it took to get her to vote for the resolution. A noon rally outside Capito's office brought about fifty protesters and the Patriots' infamous "wall of remembrance" listing the US military personnel who have died in Iraq was displayed along the busy main street in front.

However, when Rep. Capito voted with her party instead of for her country by opposing the non-binding resolution against Bush's "surge", Rev. Lewis decided to continue his stay at her office as a protest. At this point, the office was locked down and a senior official from Capito's Washington office was flown in to deal with the office occupation. Since visitors to the office couldn't get in, they posted notes to Shelley on the door voicing their disappointment with her vote and calling for the end of US involvement in Iraq. At one point, the local Fox TV crew was denied entrance to the office to speak with Rev. Lewis. Supporters from Patriots for Peace continued a day-long vigil in the sub-freezing weather outside the locked office.

Around 8:30 PM police were called to remove Rev. Lewis from Capito's office and at 10:30 PM a previously-scheduled candlelight vigil was held by 20-30 hearty folk. See a picture of Capito's door and an article about the protest on the Charleston Gazette's web page at: www.wvgazette.com/section/News/Other+News/2007021618.

HCR 37 is in the WV House Rules committee. Contact Speaker Rick Thompson at 340-3210 and ask him to move it out of Rules to the House Floor for a vote.

Bottle Bill Dies Again This Session

by Linda Frame, linda@wvcag.org

The WV Bottle Bill (HB 2773) is dead this session. We learned this week that there were not enough votes in House Judiciary to move the bill. This is disappointing news considering that five of the bill's sponsors are on that committee, and that we were told by enough legislators that they would vote to move the bill to the Finance Committee. Unfortunately, committee leadership arrived at different numbers.

As the fate of bills is decided and the session wears on, we will be regrouping on important progressive issues. The task of educating legislators, with new ones coming in every election, is daunting, and it's much easier for law makers to be scared into apathy by the vast coalition of businesses opposing our bills. For instance, many legislators are still being told that retailers don't want the burden of taking back the empty containers. This part of the law was removed years ago, yet is still being used to fire up retailers, convenience store owners and other businesses statewide. Legislators are also believing the falsehood that beverage containers make up just 9% of our litter problem. Even the lead lobbyist for the opposition can't cite where that number comes from and doesn't even believe it, yet it is still presented to legislators in letters, phone calls and personal meetings.

Many other states have had this same long, rocky path to travel when getting their bottle bills passed. Pro-Bottle-Bill Maine businessman Mike McCray confirmed this during a visit here this legislative session and has taken the time to write a recap of his thoughts on our bill (see insert). Our two states are similar in many ways but the glaring difference is that Maine's legislators had the political will to overcome the strong opposition and bring legislation to their state to fight the litter problem, increase recycling and virtually do away with highway clean-ups. And, guess what? Maine lawmakers decided to make the producers of the beverage containers foot the costs of their bottle bill (unlike in our bill where we have tried futilely to dilute their opposition).

Perhaps we are building such a political will here in West Virginia, legislator by legislator, and some day West Virginia can pass progressive public policy in Appalachia without the required crisis, pass a bill that would create jobs, clean up our litter and save taxpayers money. What a concept.

Thanks to our bill sponsors: Senators McCabe (D-Kanawha), Foster (D-Kanawha), White (D-Webster), and Wells (D-Kanawha) and Delegates Fleischauer (D-Monongalia), M. Poling (D-Barbour), Hatfield (D-Kanawha), Fragale (D-Harrison), Hamilton (R-Upshur), Brown (D-Kanawha), Tabb (D-Jefferson), Miley (D-Harrison), Manchin (D-Marion), Beach (D-Monongalia), Canterbury (R-Greenbrier). Also, thanks to House Judiciary Chairwoman Carrie Webster (D-Kanawha). **And thanks to all of you for making those calls, sending those e-mails and drafting those letters of support.**

Important Events

Weekly Vigils Continue

WV Patriots for Peace Vigils every Friday from noon to 1:00 p.m. across from the Tidewater Restaurant at the Town Center Mall in Charleston. Help hold the Wall of Remembrance. For more info, please visit www.wvpatriotsforpeace.org.

E-Day at the Capitol

March 2, 2007, 10:00 a.m - 3:00 p.m. Location: House & Senate halls and upper rotunda area. Approximately 30 environmental organizations and sustainable businesses will be represented with displays. It's a great opportunity for citizens to come together to lobby.

For more information and to register your organization contact : Denise Poole at deniseap@earthlink.net or call the WVEC office: (304) 414-0143.

Later that day: WVEC E-Day evening reception & benefit. Perfater Law office lobby, 1311 Virginia Street East, Charleston. From 5:30 pm till 11:00 pm. Highlights include: 2007 Environmental awards bestowed; live music; buffet dinner. **Note:** **WV-CAG will not hold its First Friday event on March 2 - please join us at the WVEC benefit!**

Stay In Touch!

The legislative website is a great resource where you can find legislators' contact info and committee assignments, and track bills. Add it to your favorites at www.legis.state.wv.us.

Call your delegates and senators toll-free at: 1-877-565-3447 or write to them at West Virginia Senate/House of Delegates, Building 1, State Capitol Complex, Charleston, WV 25305.

Contact Governor Manchin toll-free at 1-888-438-2731 or e-mail at Governor@WVGov.org.

THANKS!

("Garbage" - continued from page 2)

higher fees made for a modest increase in recycling and encouraged landfill avoidance. It also provided for millions of dollars in local recycling grants to towns and counties.

S.B.629 would change all that. The bill in its current form allows the McDowell landfill to increase its legal tonnage to 100,000 tons/month. Currently the state's largest landfill accepts 30,000 tons of trash a month.

Almost all of the new garbage would arrive in coal cars from the Norfolk, Virginia area. The bill also exempts half of this new tonnage from the current \$8.25 tipping fee and instead allows for a \$4.00/ton payment to various Mc Dowell government agencies. This set-up, in essence, grants a \$2.4 million dollar tax break to the landfill's owner at the expense of the DEP and the Solid Waste Authorities for 54 other counties.

Our real hope is that Speaker Thompson and the House leadership will stop this bill over the next two weeks. I believe if they feel the outrage it will give them the courage to stand up to the powerful Out of State garbage lobby. Call your Delegate early next week, as well as the Speaker's office, and ask them not to radically change our solid waste laws. Ask them to oppose SB 629.

Next week's issue is our last of the 2007 Legislative Session. If you haven't already done so, please renew your membership today! Thanks!



We Need Your Support!
We can't do it without you !

Please renew your membership or send a donation.

Name: _____

Address: _____

Here's my donation of \$15 \$25 \$50 \$100 Other \$ _____

Clip and mail with your check to West Virginia Citizen Action Group, 1500 Dixie St., Charleston, WV 25311

Donate safely and securely on-line at www.wvcag.org!!!!

THANKS!