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2008 Session Kicks-Off

by Gary Zuckett, garyz@wvcag.org

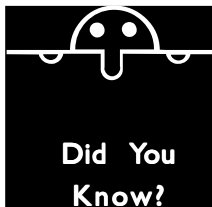
Its Baaack! The 2008 session kicked off this week with the governor's State of the State speech to a packed House gallery Wednesday evening. The real struggle began days before when lawmakers rolled into town for the last Interim session on Sunday. Bills that emerge from Interims get first in line for introduction during the session.

The Tier 2.5 list actually emerged with the number of protected streams increased. In a surprise move, Del. Mike Burdiss (D-Wyoming), a former UMWA lobbyist, proposed an amendment increasing the stream list from 157 to 309. He jumped up holding out a large map showing all the 2,000+ streams in the state. Entreating his fellow lawmakers, he stated, "We have a fiduciary responsibility for clean water for our state. It's time to stand up!" Delegate Talbott (D-Webster) supported the amendment saying, "Water is WV's most important asset, more than timber, more than coal..." (see www.wvgazette.com/section/News/2008010819)

We need more spunky lawmakers with the courage to stand up for citizens' interests against corporate lobbyists who want to strip any protections from our environment, civil justice & insurance systems, or anything else that gets in the way of their bosses' increased profits!

This is now the second session with the new House leadership. We are all hopeful they have now settled into their positions and are ready to pass several progressive bills that have been stalled for years, such as the aforementioned Clean Stream List, Clean Elections legislation and the Bottle Bill. We'd also like to see serious consideration of the new Surface Owners' Bill of Rights. It is like a breath of fresh air on the House side as the previous iron rule has been lifted and a more open dialogue is taking place. Let's now see some results!

In his speech, Governor Manchin mentioned "Energy" 19
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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

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W V - C A G

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.



To become a
member or to
send comments
and suggestions,
visit

www.wvcag.org,
call us at
304-346-5891,
or e-mail us at
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Make Your Voice Heard!

Your legislators are in town and they need to hear from you. Remember, phone calls and snail mail letters have the greatest impact. Feel free to call us at any time if you want help with what to say.

Don't know who your legislators are? Just go to www.wvcag.org and scroll down.... look for a box on the left -hand margin where you can type in your zip code and get their names. Or visit www.congress.org.

Thanks for your help in making sure that legislators hear from West Virginia's citizens, not just lobbyists!

WV Senators and Delegates:

The Honorable _____
West Virginia Senate/House of Delegates
Building 1
State Capitol Complex
Charleston, WV 25305
Call toll-free: 1-877-565-3447
On the web: www.legis.state.wv.us

The Governor's office:

The Honorable Governor Joe Manchin
1900 Kanawha Blvd East
Charleston, WV 25305
Call toll-free: 1-888-438-2731
e-mail: governor@wv.gov

Paper or E-mail?

We've recently upgraded our database software and you might have slipped back on to our paper mailing list. If you would prefer to get this newsletter on-line, please shoot a quick e-mail to linda@wvcag.org and simply say you would like to receive the on-line newsletter. Past issues of *Capital Eye* are available at www.wvcag.org/newsletters.

It's easy to subscribe to our action alerts on our website's home page. Tell a friend!

THANKS!

Bottle Bill Introduced on Wednesday

by Linda Frame, linda@wvcag.org

On the session's first day, the WV Beverage Container and Litter Control Act (AKA Bottle Bill) was introduced in both the House (HB 2773) and Senate (SB 135). The bill's first stop is to the Judiciary Committee in each house.

In February, a representative from the recycling industry in California will be visiting West Virginia and Tennessee to help promote our bottle bill campaigns. He will meet with legislators and the media. We'll keep you posted on events surrounding this visit and how you can join us. In the meantime, check out www.wvbottlebill.org and stay in touch!

Here's a brief article on what's going on in California:

More Californians Cashing In on Recyclables by Tom Abdolla, *The Los Angeles Times*, December 24, 2007

Californians recycled more than 6.9 billion beverage containers in the first half of 2007, up nearly 800 million from the same period a year ago, the state's largest recycling-rate increase in the last 15 years, according to a recent study released by the state's Department of Conservation. And officials think they know why. In January, the state increased the California Refund Value to a nickel for small beverage containers and a dime for large ones. The respective one- and two-cent hikes, they believe, may have changed a lot of perceptions. "If you see four pennies on the ground and you're walking on the street, are you going to bother to pick them up?" asked Mark Murray, executive director for Californians Against Waste, a statewide environmental organization that focuses on recycling. "Whereas you see a nickel or dime on the ground, you're likely to pick that up. The same thing goes to just seeing that value in a can and thinking, I'm tossing a nickel in the trash.' Officials can't know for sure why recycling has increased — no one asks why people recycle or when they started — but a view from the ground lends credibility to the notion that nickel-and-diming consumers has worked. Seven in 10 deposit containers are now redeemed, according to the study."

Consumer Alert

Have you taken Protonix? If so, you may be eligible to join a national class action lawsuit which claims that the companies that make and market Protonix lied to the U.S. Patent and Trademark Office to get a patent on the drug and brought frivolous lawsuits against generic drug manufacturers to prevent less expensive generic versions of Protonix from being sold. If you took or paid for Protonix anytime between April 19, 2006 and now, you may be eligible to join this important lawsuit. To find out more, call us at 304-346-5891 or 1-866-WVB-FAIR.

WV-SORO: A Voice for Surface Owners

By Julie Archer and Norm Steenstra III

As many of you know, in August of last year WV-CAG helped form a new organization, the WV Surface Owners' Rights Organization (WV-SORO), which is dedicated to protecting and expanding the rights of surface owners when oil & gas companies explore and drill on their property. The organization has grown by leaps and bounds since its inception 6 months ago and we can now count among our ranks members from 50 WV counties, 19 states and two countries. We are pleased to report on WV-SORO's legislative efforts thus far and hope to accomplish more over the next 60-days. What follows is an update on one of the highlights of legislative interim sessions and a glimpse of what's to come.

Oil & Gas Drilling in State Forests

In response to oil & gas industry abuses in Kanawha State Forest, the Department of Natural Resources proposed a rule that would provide earlier notice to state forest officials and the public about drilling and maintenance activities in our forests. The rule, which was before the Legislative Rule-Making Review Committee, was met with strong opposition from the industry and pulled from the committee's agenda in both November and December. The committee mandated a series of meetings between state forest users and industry to negotiate a compromise. WV-SORO co-founder and attorney Dave McMahon represented forest users in these negotiations. While we did not get everything we wanted the rule goes a long way toward providing additional protections for our state forests. The rule was taken up and passed by the committee earlier this week and now goes before the full legislature.

Surface Owners' Bill of Rights

In December, WV-SORO began recruiting co-sponsors and talking with legislators about a Surface Owners' Bill of Rights. WV-SORO identified several changes that are needed to level the playing field between operators and surface owners and ensure good stewardship of the land and economic fairness in the state's oil and gas fields. These changes include:

- Earlier notice that the driller is coming, including requiring notice before the driller comes on the property to survey well site, access road or pipeline locations.
- Requiring a face-to-face meeting between the drill and the landowner before the permit application is filed.
- Allowing for a pre-permit negotiating period to give the surface owner input in planning and executing well site(s) and access roads.
- Ensuring fair and equitable compensation by requiring the driller to post an individual well bond if no pre-drilling agreement is reached between the driller and the surface owner.
- Requiring the driller to offer the surface owner residential gas service, at cost, from the wells or gathering lines on their property.

Here at the WV SORO office, we are not going to just focus on the Legislative Session now that it has just begun. We are planning to push ahead with more town hall meetings to further the knowledge and support that we can offer our fellow land owners. This session is an important step for all of us, as we need to work together with our legislators, to establish our “Surface Owner’s Bill of Rights”. In a way this is a chance for all of us to be a forefather of West Virginia’s property rights. Due to the great response that we have had in the early going of our organization’s life span, I expect that we are going to be able to put a lot of pressure on the oil and gas industry and our legislators to do the right thing.

Town Hall Meetings

The first town hall meeting that we put together in Weston was a great success as over 100 people braved pouring rain and cold, flooding waters to meet on Thursday, December 13th. We received valuable input from SORO members and I would especially like to thank Kent Burnside for his hard work and dedication to being “our man on the spot” for the meeting. We would also like to thank all of the dedicated people who showed up and helped energize us on a night that we were afraid the bad weather would scare away more of you.

At this moment two more town hall meetings are being planned before our WV SORO Day on February 6th. These are still being worked out, but they will most likely be held in Chapmanville on Saturday January 26th and in Spencer on a week day, the week after. If anyone has suggestions about location, times, or days, please contact us at our office in Charleston. We also welcome any and everyone to come on down and meet their legislators any time during the session. I would just recommend calling so that we might be able to work better with everyone.

WV-SORO Day

WV SORO day will be held on February 6th at the state capitol. So far we have managed to reserve the Governor’s Conference Room from 8am to 11am that morning. This is an ideal spot to meet in the morning and will serve well as the room for our press conference at 10am. The rest of the day will be a chance for SORO members to go and speak with their various legislators. The lobby team will be available to direct and guide visitors to the right places. Please contact us if you want to help out with this great event. This day will be a great opportunity for WV landowners to come down and show our support for the Surface Owner’s Bill of Rights.

The Surface Owner’s Bill of Rights is currently going through the process of gathering up sponsors in both houses. It is a plan to better equalize the playing field between surface owners and the oil and gas industry. So if you are interested in getting your Legislators more involved, now is the time to contact them and ask them to sign onto the bill.

We would like to invite anyone interested to contact us at the WV Citizen Action Group office at (304) 346-5891 (ask for Julie or Norm) or via the website at www.wvsoro.org.

(“It’s Baaack” - continued from front page)

times (<http://www.wvgazette.com/section/News/200801091>) but only used the phrase “climate change” once - in the same sentence as the oxymoron “clean coal.” The WV Environmental Council released a “Citizens” Energy Plan” in response at a Thursday press conference. It is a wealth of sensible suggestions for a new direction for WV. Read it here: www.wvecouncil.org .

Meanwhile, the governor’s pro-recycling ads saturate TV and radio these days. He continues to ignore the economic incentives of a bottle bill - placing a 10 cent deposit on all single-use beverage containers - to clean up our highways quickly and provide hundreds of new jobs in redemption centers. Even the Farm Bureau likes this idea. It’s time for Governor Manchin to take the lead on this common sense proposal. Joe, you can even say it was your idea!

While our legislature makes laws, our nation continues to make war. The cost of war is the “elephant in the living room” that our policy makers ignore while it silently steals funding from all our domestic needs such as schools, libraries, police & fire protection etc. to the tune of a \$1.2 billion cost for WV through 2007 (www.nationalpriorities.org). One of our efforts this session is to introduce a resolution calling for an end to the Iraq occupation as quickly as possible.

Here at the office we’re optimistic about the potential for positive, progressive changes in WV and the nation in 2008. It won’t be easy – there’s a lot of hard work to be done and no guarantees that we’ll be any better off this time next year. But with your support and assistance we’ll give it our best shot and see what comes about.

Clean Elections Ready To Roll

by Carol Warren, West Virginia Citizens For Clean Elections

The coalition partners of West Virginia Citizens for Clean Elections are ready to roll with our Public Campaign Financing Act again during the 2008 session. We have spoken with almost all our Senate and House sponsors of last year’s bill and are finding them very willing to sponsor again. Lead sponsors are Senator Jeff Kessler and Delegate John Doyle.

This year, we will be focusing our attention on the House, hoping to move the bill there after a couple of frustrating sessions in Senate Finance Committee. Coalition members will be doing everything we can to educate more Delegates and Senators about the bill, and the advantages it offers to both citizens and candidates. And we very much need you to contact your representatives and let them know you support public financing for West Virginia campaigns!

Be sure to check out our website, where a new Clean Elections brochure, an updated fact sheet “Support Fair and Clean Elections,” and blank copies of our petition are available, <http://www.wvoter-owned.org>. Weekly updates during the legislative session will be posted on the website as well.

YOU Can Become a Lobbyist!

Just in time for the Legislative Session! Join us on Tuesday, January 15 for Citizen Lobbyist Training, 6-8 pm, Unitarian Universalist Congregation, 520 Kanawha Blvd. West, Charleston. (Corner of Kanawha Blvd W. and Vine St.). Beth White, Executive Director of WV Association for Justice will lead training "Lobbying 101." Break-out sessions for issue education and message framing will follow, and then...PIZZA!! For more info call 304-342-9188 or e-mail lida@wvfree.org. Sponsored by WV FREE, National Association of Social Workers WV Chapter, West Virginians United for Social and Economic Justice, WV Women Work, WV Citizen Action Group and the ACLU of WV.

Even if you can't make this special training session, we need your help and your voice to talk to legislators, attend committee meetings and participate in public hearings. CAG Lobby Team Members are at the Capitol every day during the session. If you'd like to join us, please let us know by calling us at 304-346-5891 or e-mailing linda@wvcag.org.

Want to help out behind the scenes? We are always looking for volunteers to help put our newsletter together on Fridays.... call Marge or Linda at 346-5891 to find out more!



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 - **THANKS!**

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