



Week Seven, Train Wreck

by Gary Zuckett, garyz@wvcag.org

As I mentioned last week, this Wednesday was “crossover day” when bills must be passed out of their originating house and “crossover” to the other. This deadline effectively kills over 90% of the bills introduced. I guess the intention is to weed out all the bills that don’t have enough support to pass. In reality it feels like a train wreck where many of the bills we’ve been tending with TLC have now been thrown off the train in a lurch. This was the unfortunate fate of our Clean Elections, Bottle Bill and Surface Owners’ Rights legislation as well as many other good bills such as: the Healthy Families Act which would have provided paid sick leave for nearly all workers in the state; the Independent Insurance Advocate bill to create a PSC-type Advocate’s office with real teeth to protect consumers from the insurance industry; and scores of others.

Many of the bills that are still breathing we’d love to smother. All the tax giveaways to big business are still on track and the new WV Center on Budget & Policy (www.wvpolicy.org) is very concerned because many of these measures will not take full effect for several years (after the current governor and many in the legislature are gone) and will cost the state over a billion dollars in lost revenue over the next ten years. They’re not only giving away state tax revenues but their largesse extends all the way down to the county level. SCR12 would eliminate the property taxes paid to counties for business inventory and equipment. This will bite county budgets with millions in lost revenue and no way to make it up except raising the taxes on the rest of us or cutting funding to schools, libraries, police & fire protection and the like. Grover Norquist, famous for bragging how the neo-conservative agenda aimed to shrink government down to the size where it could be “drowned in the bathtub,” would be proud of this year’s session.

It’s a rare session where the environment doesn’t take several major hits and this one is no exception. The Tier 2.5 stream protection list was whittled down from over 400 to 108 streams. Even so, polluters’ lobbyists continue the assault to “just say no” to any stream protection at all! However, Senator Kessler, ran a bold floor amendment to these disputed water rules this week that stripped out the Tier 2.5 language (which was a compromise with polluters to begin with). Lawyers on both sides of this issue are still trying to figure out the ramifications of this move, but one thing is certain, it has moved the

debate to a whole new level. A big thanks to Chairman Kessler for getting us unstuck!

The big stink that rolled in last week as SB 770 is still alive and oozing. It makes it cheaper to dump garbage in any WV landfill in order for the operators of the McDowell landfill to make megabucks importing trash from NJ, NY, VA and points east. If this assault on our time-tested comprehensive solid waste legislation passes, we can change the signs coming into the state to say “Open for Garbage!”

Last, but not least, mountaintop removal mining came to the Capitol this week when the Senate Energy Industry & Mining committee hosted a hearing on Senator Hunter’s bill to outlaw valley fills. Coal operators and miners faced off with coalfield residents, community organizers and ministers to debate the issue of whether it was legal, moral or even necessary to mine coal in such a manner that totally obliterates the existing natural ecosystem. Even though his bill was one of the many to be “thrown from the train” on Wednesday, Hunter should be thanked for providing this legislative forum on what is undeniably the most destructive form of mining ever devised.

Now that I’ve bellyached about all the rot at the legislature I feel compelled to say something about the hard-working folks trying to do the right thing up there. Too often we paint it all black with a broad brush. In reality there are many dedicated public servants trying desperately to stem the tide of greed and self-service that all too often prevails under the dome. They deserve our respect and appreciation and include Senator Jon Hunter whom we had the opportunity to honor last night with a reception for Clean Elections. His 12 years of standing up for the citizens of our state has been exemplary and inspiring. Thank you again, Senator Hunter, and thanks to all the lawmakers who remain to carry on the fight for the people and against special interests.

As usual, there will be no *Capitol Eye* next Friday as we count down to the end of the session at midnight, Saturday, March 8th. If you can get away, come on down to join in the final day’s lobbying and drama. If you can, stay over to celebrate and let us know if you need a place to stay.

Thanks for all your notes of support and especially for the generous donations that enable us to continue our promotion of your issues and values before our lawmakers.

This Just In!

There will be a **public hearing on Monday, March 3 at 9:30AM in the House Chambers on SB 770**. This bill would allow out-of-state garbage dumpers to receive a discount for using us as their landfill. Read on for more info....

Clean Elections Update

by Carol Warren, Citizens for Clean Elections

HB 4050 was on the Judiciary Committee agenda for a brief time on Friday, along with 40+ other bills. However, after the Treasurer's Office could not promise us any funding from the Abandoned Property Fund, the monies needed to roll out the program beginning in 2010 were not guaranteed. So the bill was later removed from the agenda. Admittedly, with an additional reference to Finance Committee, it would have been unlikely to reach the floor by the crossover date.

Our next step will be to research the amount of civil and criminal penalties levied and collected by the courts. We need to get a better picture of the number of these penalties that are over \$1,000, so we can tweak our 10% surcharge funding mechanism. We do believe that sufficient funds for public campaign financing can be generated, particularly if we back up implementation to 2012. We would likely have to take that step anyway, at this point, in order for rules and the necessary work by the Secretary of State's office to be put in place. And we now have a serious and positive fiscal note from that office.

So we have learned a great deal and gained new supporters this session. And fortunately, we have a number of dedicated sponsors and supporters who will keep putting the bill out there for us until we win.

Our event to honor Senator Jon Hunter last night was just lovely. Speakers from our coalition partners spoke briefly about their experience with Sen. Hunter over the years. They included Perry Bryant (West Virginians for Affordable Health Care), Roy Smith (Construction Trades), Sam Hickman (NASW-WV), Kenny Perdue (AFL-CIO), Fr. Brian O'Donnell (WV Council of Churches) and Norm Steenstra, former WV-CAG Executive Director. It was my honor to present the Senator with OVEC's "Defender of Democracy" award. Please consider making a contribution to our challenge grant if you were not able to attend. We will be working hard to meet our \$15,000 goal by April 1. Contributions may be sent to CAG (1500 Dixie Street, Charleston, WV 25311) or OVEC (P.O. Box 6753, Huntington, WV 25773). Thanks so much!

The next Clean Elections meeting is Thursday, March 13 at 10:30 AM at the Catholic Diocese office, 1116 Kanawha Blvd. E. Join us and be part of our strategy decisions as we set our sights on the 2009 session!

Senate Wants Us Open For Garbage

By Norm Steenstra III, norm@wvsoro.org

Again this year, the Senate did another rush job on the Open For Garbage bill. Again this year, we will have to defeat it in the House.

SB 770, unsurprisingly sponsored by Senator Truman Chafin, is single referenced to the House Finance Committee. Help us defeat this bill by attending a **Public Hearing on Monday, March 3rd at 9:30 AM in the House Chambers**. We need all garbage crazies to rally and remind our legislators again that we are NOT open for garbage.

From the "We Couldn't Say It Any Better" category, please read on for more on this issue:

Dear Legislators:

Yesterday, The WV Senate sent to the House for consideration and passage, Senate Bill 770, which is an incentive to increase Out-Of-State trash to reach a magic "Megalo" number for three consecutive months, which then will trigger a reduction of state assessment fees on disposal tipping fees at our WV landfills. These state fees have long been an integral part of our Solid Waste Management "Master Plan" and were established to discourage mega-landfills and out-of-state trash, while allowing us to protect the public health and welfare by establishing a comprehensive program of solid waste collection, processing, recycling and disposal.

FYI--- Landfill tipping fees increased by 30%+ in Harrison County in 2007 but there was not one red cent, (0) zero increase, on the state assessment fees on disposal tipping.

State agencies could now make a unilateral decision that will reverse state policy, carved out in our "Master Plan" in 1989, that made landfilling our last resort with our solid waste management hierarchy. To now allow landfilling to be moved to the top of the tier, and "More is better", is viewed by me as abandoning the will of the people and changing our environmental history forever.

Those who see the "Golden Goose" in their trains leaving McDowell County with coal, coming back with trash "Dollars" from Jersey, are not seeing that all other trains, trucks and vessels of all kinds in every county will soon want to get a piece of that pie. That same economic market that may be luring to a few in McDowell County, will not be limited and will soon bury all of us in Out-Of-State trash.

With a plea as sincere as I can make, please allow the citizens of this great state the opportunity to voice their opinions, and allow those of us serving on local Solid Waste Authorities to be included and participate in the deliberations to change state policy. Please give us our due process with a Public Hearing on this proposed legislation.

I am deeply concerned and pray that the "Peoples House" will seek and allow for public input.

Sincerely,
Paul E. Hamrick, Board Member
Harrison County Solid Waste Authority

Senate & House Resolutions Recommend Study of Oil & Gas Laws and Regulations

by Julie Archer, Julie @wvcag.org

We indicated in last week's update that the Surface Owners' Bill of Rights would be slated for interim study. The Senate Energy, Industry & Mining Committee and the House Industry & Labor Committee have put forth resolutions (SCR 57 & HCR 77) urging the legislature "to study the existing law and regulation of oil and gas drilling by the State of West Virginia and whether the law should be updated or otherwise changed to improve protection of the public interest and the varying interests of surface owners" as well as "the feasibility of requiring free, wholesale or retail gas for surface owners upon whose land well sites and access roads are or have been placed."

The Senate resolution further recommends studying "other general changes in the law regarding the exploration for, drilling for and production of oil and gas, including coal bed methane gas." We have a good chance of getting the interim study, however, calls to your legislators in support of the resolutions will help ensure that it happens. Let them know how much this issue means to you.

Bottle Bill Update

by Linda Frame, linda @wvcag.org

While this year's bill does not sit on the governor's desk awaiting his signature, we did keep the issue alive and in the news. We received several newspaper endorsements again this year, quite a few comments in the *Charleston Gazette's* Reader's Vent line (people are paying attention if they're venting about it!), met with the governor and his staff, as well as leadership in both Houses, and raised public awareness. One of the most enjoyable parts for me this session was watching the involvement of the Student Environmental Action Coalition and its members and how they are taking it to the streets themselves – setting up recycling programs on campus, calling and meeting with the governor, starting petition drives and much more. What great new energy to our efforts!

I get many calls each week from citizens who want to help make the Bottle Bill a law in West Virginia. Our movement is growing outside the Capitol. People don't just call to find out more – they call to find out what they can do. When you're going up against industry with the kind of resources the bottlers enjoy, you have to be in it for the long haul. Only with this continually renewing and growing grassroots support will we be able to match the staying power of folks with that kind of money and access to fight our efforts.

The focus of the session was the visit by John Ferrari to present the basics of the California deposit law. By using the format of a Joint Judiciary and Finance Committee meeting, we had the chance to reach many legislators who, in turn, had the chance to ask questions and learn more about how our bill would work. This went a long way toward taking the "fear" of out changing the status quo and let legislators know that not only does this concept work elsewhere, but jobs will be created if we implement a Bottle Bill.

A serious study of the bill during the interims would be a big step and a way to continue to educate legislators on why this concept makes so much sense and isn't the idea as depicted by industry at all. It can work – it already does in so many places.

Please remember to call Governor Manchin and ask him to support the Bottle Bill. He needs to keep hearing from citizens. He has told us he supports the concept and we need to remind him that citizens do, too! Thanks! Stay tuned at www.wvbottlebill.org.

Volunteers Rock!

Today marks the eighth week in a row of publishing the *Capital Eye*. We literally write, copy and mail the newsletter on Friday so we can bring you the most up-to-the minute news from under the Golden Dome.

None of this would be possible without the help of our wonderful volunteers who fold and dot your newsletter. Thanks go out to Eleanor Spohr, Peter Harris, Elizabeth Harris, Sally Snyder, John Snyder, Beverly Brooks, Norm Steenstra, Linda Liu and Carolyn Sayles for helping us out this session.

The mailing expertise of the folks at The Phillips Group – Cyndi Bolton, Maria Armada and Laura Phillips – ensures that we can take advantage of the lowest postage rates while still getting your Eye to you on a timely basis. They go above and beyond for us each session and throughout the year.

The unfaltering techie skills of Don Alexander, our website pro, make sure that our on-line version is up on the website and in your in-boxes as soon as possible on Fridays.

And it wouldn't mean a thing if you all weren't out there to read it and take action, and let legislators know how you feel about the issues they are considering. THANKS!!!

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, or would like to send us your comments, e-mail linda@wvcag.org or call us at 346-5891 or 1-866-WVB-FAIR.

Thanks to all of you who have updated your memberships. Since we are doing weekly newsletters, if you have sent us an updated address, please allow a week or two for it to take effect. Thanks!

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Mark Your Calendar!

This will be the last *Capital Eye* for the 2008 Legislative Session which wraps up on Saturday, March 8 at midnight. If we have your e-mail address, we'll send you last minute action alerts next week. If you would like to add your name to the list, please e-mail linda@wvcag.org or subscribe on the website.

We will send out a wrap-up issue soon but in the meantime, here are some upcoming events (also check out the calendar at www.wvcag.org)

On or around March 3/19: commemoration of the **five-year anniversary of the start of the Iraq War**. There are demonstrations planned across the state including Charleston, Huntington, Wheeling and Lewisburg. More information will be available on our website or visit www.wvpatriotsforpeace.org.

Register to Vote! You can do this at our website or call us at 346-5891. The West Virginia primary is right around the corner in May.

WV-CAG's Annual Spring Fundraiser! Friday, April 11 at the Woman's Club on Charleston's East End. Help us celebrate our 34th year at our on-going traditional spring party to celebrate, eat a lot of food, have some fun and raise money for CAG. More information in our wrap-up issue or call Marge at 346-5891.

Thanks for all of your help and support during the 2008 Legislative Session! We couldn't do it without you!

Contact Your Legislators and the Governor!

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



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

Donate quickly & securely at www.wvcag.org!