



## Capital Eye

Volume 9, No. 2 ~ February 13, 2009

### **Manchin's Second State of the State Mixed Bag**

*by Gary Zuckett, garyz@wvcag.org*

Each year a group of WV-CAG friends gets together to watch the State of the State speech. We each pick a word that might be mentioned the most times during the speech. Highways, health care, the economy, tax cuts, tourism, coal, etc. The idea is to determine the governor's priorities. I picked the word "energy" which beat all the other selected words by a two to one margin.

It was indeed energy's night. Lip service was given to renewable, sustainable energy but, to jaded Manchin watchers like me, it was all about Coal. The governor was promoting and protecting the state's cash cow and largest taxpayer. Love him or hate him, the governor presides over interesting times. How do you promote and protect an industry that the rest of the world wants removed from energy picture? Manchin bragged about how West Virginia's economy was currently in better shape than our neighbors' but arguably the reason this is so is largely due to last year's strong coal market. I wish the governor had said that now is time to face the fact that coal is not our economic future but, at best, a stop-gap means to really diversifying our economy. I am afraid that much-needed stimulation funds will be directed to trying to clean up Coal's public image.

But there's a legislative session upon us and there's always a host of issues that we take on year. Returning from last year is our work to promote an independent Insurance Consumer Advocate. Similar to the position created at the Public Service Commission, that WV-CAG helped get passed in the 1980's, this person would represent the public when important legislation is being considered. Once such issue is credit scoring. We will push for the outlawing of this practice as insurance companies can use it to jack up your premiums if you've hit bad times and your credit rating has dipped.

Another issue that the governor mentioned as a priority is health care. We applaud his support for the Children's Health Insurance Program (CHIP) and his goal that every West Virginian has health coverage. His proposed Medicaid expansion, however, is just a baby step and we will push for a broader expansion of this important program as West Virginia and the nation, face hard financial times.

Stay tuned on these issues and more. Stay tuned to what's happening with our other major state campaigns this session such as Voter-Owned Elections, the WV Bottle Bill, Same Day Voting and more. Remember, we can't do it without your support so please use the form on the back page to send in your membership renewal today, or visit [www.wvcag.org](http://www.wvcag.org) to donate on-line. **Thanks!**

### **National Expert Speaks on Bottle Bill to House Committees This Thursday**

*by Linda Frame, linda@wvcag.org*

If you want to learn more about how a deposit on beverage containers works in other states and how it can work here in West Virginia, come to the **Capitol on Thursday, February 19 at 1:30PM in the House Chambers.**

John Ferrari with NexCycle, a subsidiary of Strategic Materials - the country's largest glass recycler, will present to the Joint House Committees on Judiciary and Finance. Our bill has been referred to both of these committees in previous sessions. John is making an encore visit – he was here last year to help us promote the Bottle Bill to state legislators and the governor.

Please come to the Capitol to watch his informative presentation and show your support. If you would like to come early or stay afterward to talk to your legislators, let us know and we'll get you to them.

Can't make it to the Capitol? Tune in to Hoppy Kercheval's talk radio program at 11AM that morning to hear him talk to John. And, please, call you legislators and ask them to support the WV Bottle Bill!

### **Contact Your Representatives!**

#### **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](http://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@wvgov.org](mailto:governor@wvgov.org)

You can also visit [www.wvcag.org](http://www.wvcag.org), type in your zip code and find info on all your federal and state representatives. **Make your voice heard!**

## Economic Stimulus Plan Poised For Passage

*From USAction reports*

We're at the final moment in our effort to win passage of the jobs and economic recovery package.

The vote in the House is expected to happen today, and Senate leaders are trying to get unanimous consent to vote on the measure today. If there is an objection to this (as is likely), then the Senate will vote Saturday.

### Summary of the Conference Report

This is by far the largest single investment in low to middle income people in this country. This is a victory and cause for celebration!

There is significant aid to states, along with critical funding for an array of programs that help struggling families (e.g. food stamps, the Child Tax Credit, unemployment assistance, SSI, TANF, and some increases in appropriated programs). The conference committee ultimately did scale back some of the most egregious tax cuts, and the savings were used to both scale back the package (a condition for the moderate Republicans to vote for the measure) and to restore some of the cuts from the Senate version. For example, some funds were restored to the state fiscal stabilization fund. In addition, the Anti-worker E-Verify program for entities receiving recovery funds is not in the package.

Perhaps the biggest setback is the loss of the House provision that gave states an option (with 100% federal funding) to temporarily expand Medicaid to cover unemployed individuals and families who don't have access to public programs or to affordable COBRA coverage. Had the AMT not be retained in this bill (\$70 billion), even more funding could have been restored and this Medicaid option could have been retained.

Here is a link to the document put together by the House Ways and Means and the Senate Finance Committee that summarizes the provisions in their jurisdictions: <http://finance.senate.gov/press/Bpress/2009press/prb021209.pdf>

Here is a link from the Appropriations Committees' release on their component of the bill:

<http://appropriations.house.gov/pdf/PressSummary02-12-09.pdf>

And, for those of you looking to more detail reading, here is a link to the full conference report available on the website of the House Rules Committee: [http://www.rules.house.gov/bills\\_details.aspx?NewsID=4149](http://www.rules.house.gov/bills_details.aspx?NewsID=4149)

For more information, please visit [www.usaction.org](http://www.usaction.org).

## SORO Update

*by Norm Steenstra III, [norm@wvsoro.org](mailto:norm@wvsoro.org)*

State law provides few protections for West Virginia surface owners. A new legislative session has begun and there are two bills that can give landowners more say in the location of wells and access roads and other matters related to oil and gas exploration on their property. The first is being sponsored by members of the Joint Judiciary Committee and is based on laws in New Mexico. It is a step up from current law, but we are also reintroducing our own bill from last year with some small modifications.

We hope to get OUR Surface Owners' Bill of Rights passed and strengthen the state's drilling laws to better protect landowners, but we need your help. Legislators are used to seeing members of our lobby team, but this doesn't carry the weight of first-hand accounts from their constituents. You can make a significant impact by meeting your delegate(s) and senators, explaining your issues with the lack of protections, and describing the problems and abuses you have experienced.

Last year I offered to put up anyone who wanted to come down to Charleston to lobby. My couch(s) are still available and SORO staff is more than willing to show you around the Capitol, coach you on what to say about the Surface Owners' Bill of Rights and introduce you to your legislators.

**WV SORO Day is on Farm Bureau Day, Tuesday, March 17, 2009.** This is a good time to come down and lobby your senators and delegate(s). It will also show the legislators, DEP, the press and the oil and gas industry how important this issue is for West Virginians. This is also an excellent chance for Farm Bureau members to energize and engage your Farm Bureau about surface owners' issues.

Even if you are unable to come and lobby, we need you to continue to contact and urge your legislators and the Farm Bureau to support surface owners' rights. Do not hesitate to call them multiple times and express your concerns. I have already seen the impact this has had on a few senators and delegates who let me know that they are being contacted. (Keep up the great work with Senator Minard, Lewis, Braxton, Harrison, and Gilmer counties!)

## Stay In Touch!

*The Legislative Session is here and we don't want you to miss a thing! If you are not receiving our e-mail alerts, please visit [www.wvcag.org](http://www.wvcag.org) to sign up. If you are getting this paper copy and only want the electronic version, send a quick note to [linda@wvcag.org](mailto:linda@wvcag.org).*

## County Clerks Do Not Support for Same Day Registration

Efforts to allow voters to register and vote on the same day during West Virginia's early voting period hit a stumbling block as the state's county clerks did not support the idea, already a compromise to a bill that would have also allowed citizens to register and vote on Election Day. As a result, the bill was passed without recommendation by the Joint Judiciary Committee during the final interim session earlier this week.

Discussions are ongoing about how to accommodate the concerns raised by the clerks while making it easier for individuals to exercise their right to vote and a bill is still expected to be introduced. We'll continue to keep you posted.

## WVEC Kick-Off Blast This Tuesday!

Join fellow progressives for the WV Environmental Council's (WVEC) Legislative Kick Off Blast, on Tuesday, February 17 at the Woman's Club of Charleston, 1600 Virginia Street East, 6 PM - 9 PM, Start the 2009 Legislative Session in style. Live music by Robin Godfrey, Moe Morgan, Andy Park and other special guests. Refreshments served. \$8 donation (or whatever you can afford). Proceeds support WVEC's lobbying effort.

**March 11, 2009 – E-Day at the Capitol!**  
Lower Rotunda - State Capitol Complex, Charleston. Environmental organizations and sustainable business exhibits from 9 AM - 3 PM. Citizen / Grassroots Lobby Day! Join WVEC for a full day of lobbying, press conference, program, and visit exhibits. To reserve a table for your sustainable business or environmental organization, contact Denise at: [deniseap@earthlink.net](mailto:deniseap@earthlink.net) or call Chelena McCoy at: (304) 533-8878 or WVEC office: (304) 414-0143.

**March 11, 2009 – E-Day! Benefit Reception Dinner & Award Presentation Ceremony.** 6:00 PM - 9:30 PM. To be held at the Woman's Club of Charleston located on the corner of Elizabeth and Virginia Street. Join us after E-Day at the Capitol to unwind, visit with friends, honor our award recipients and lobby team! Dinner will be served. Live music. Suggested donation at the door: \$ 15.

Learn more about the West Virginia Environmental Council at [www.wvecouncil.org](http://www.wvecouncil.org)

## Coal Gets Court Victory

As we go to press, the *Charleston Gazette* is breaking news that a federal appeals court overturned a 2007 ruling that was a legal step toward protecting streams destroyed by mountaintop removal mining. For more on this ruling, please visit [www.ohvec.org](http://www.ohvec.org) over the weekend and next week. You can also visit the Gazette's blog on coal mining at <http://blogs.wvgazette.com/coalattoo/>.

From the *Gazette's* website:

### Appeals court overturns mountaintop removal ruling

By **Ken Ward Jr.**  
Staff writer

CHARLESTON, W.Va. -- A federal appeals court today overturned a judge's 2007 decision to require more thorough permit reviews of mountaintop removal mining operations.

In a victory for the coal industry, the 4th U.S. Circuit Court of Appeals in Richmond, Va., rejected the decision by U.S. District Judge Robert C. Chambers in Huntington.

Chambers had ruled in March 2007 that the federal Army Corps of Engineers did not properly consider the environmental impacts before issuing Clean Water Act permits for mountaintop removal mines to bury streams.

## February 28: Deadline to Enter Clean Elections Video Contest

Win Money and Support Clean Elections!

West Virginia Citizens for Clean Elections is sponsoring a video contest to bring greater awareness to our clean elections bill. Three monetary prizes will be awarded for the best videos in the amounts of \$200, \$150, and \$100. To enter, contestants must upload their videos to YouTube on the West Virginia Clean Elections channel. Please visit [www.wvcag.org](http://www.wvcag.org) to download a registration form and learn more.

Our "voter-owned" bill, the West Virginia Public Campaign Financing Act, if passed, would allow legislative candidates to receive public financing for their campaigns if they opted not to take private contributions and adhere to strict spending limits. The videos resulting from the contest just might be the push we need to get the bill passed.

Get your creative on, and enter! For more information, call us at 304-346-5891.

WV Citizen Action  
1500 Dixie Street  
Charleston, WV 25311

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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](http://www.wvcag.org)!**

*Capital Eye* is published by WV-Citizen Action, a nonprofit membership organization founded in 1974 and 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. Learn more at [www.wvcag.org](http://www.wvcag.org).