



Nuclear Bill Bombs, Bottle Bill Uncorked

by Gary Zuckett, garyz@wvcag.org

Week two was less of a sleeper than in past sessions. One early wake-up was SB 240, introduced by Senator Brooks McCabe (D-Kanawha) to undo the 1996 law creating a moratorium on nuclear power in West Virginia. At that time, WV Environmental-Council and WV-CAG lobbyists (including yours truly) worked to pass the law that prohibited any commercial nuke power plants until there was a proven safe way to dispose of the deadly radioactive waste they generate. In reality, this was not such a heavy lift in a state dominated by coal and natural gas. I suspect we had some behind the scenes help on that one.

SB 240, a "repeal of article banning construction of nuclear power plants in West Virginia", was directed into a subcommittee when taken up in the Senate Energy Industry and Mining Committee this week. Let's hope this subcommittee is a safe, permanent repository for this radioactive blunder. Being so early in the session, this is one we'll have to keep a wary eye on. See the Monday front-page article in the *Charleston Gazette*: www.wvgazette.com/News/200902160489

On a more positive note, our perennial Bottle Bill was introduced this week with an informational hearing in the House Chamber. John Ferrari, representative of the recycling company NexCycle, presented a powerful argument for enacting a container deposit law in the Mountain State. It would create new jobs in needed redemption centers in every county as well as clean up our roadsides. In states with bottle bills, Boy Scout troops, church groups and other civic organizations make recycling drives a real money maker for their groups by going door-to-door collecting donations of containers to turn into cash. This trash-to-cash bill is a no-brainer for WV.

A well-funded lobby, including the WV Beverage Association and the Trash Haulers, opposes this proposal. Its members distributed a broadside of lies against it yesterday claiming it would "kill jobs" and drive grocery shoppers out of state to avoid paying a deposit on beverages. The Haulers would rather keep their monopoly trucking recyclables to the dump. The beverage lobby opposes any new or expanded bottle bill anywhere and likes it better when taxpayers are responsible for disposing of their packaging. Both are looking

out for their narrow special interests in opposing this progressive public policy. Read on for another article on the Bottle Bill and check out today's *Charleston Gazette* article: www.wvgazette.com/News/200902190782

On the national front, the successful enactment of Obama's Recovery Bill is only the beginning of a long climb out of the hole Bush and company has dug for the last eight years. No thanks to 2nd District Representative Shelley Moore Capito for voting in lock-step with her party in opposing the Recovery. It looks as if foot-dragging will be the hallmark of the minority party in this Congress.

The next item for us to tackle as a nation is the lack of a health plan for all Americans. Recent polling indicates the voting public is eager for the option of a Public Insurance Health Plan to buy into instead of the for-profit insurance giants who consider providing needed health services to their policy holders as a "medical loss." Watch for increasing activity here in WV and across the nation as the Health Care for America Now Campaign cranks into high gear. Sign up for alerts on this issue at

www.healthcareforamericanow.org

Sign Up a Friend! Help Us Grow!

Know someone who would like to know what's happening at the Capitol? Ask them to sign up for CAG newsletters and Action Alerts at www.wvcag.org.

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 where you can find legislators' e-mails. Or e-mail any legislator at cglagola@mail.wvnet.edu. Be sure to type the legislators' names in the subject line so your e-mail can be delivered.

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

You can also visit www.wvcag.org, type in your zip code and find info on all your federal and state representatives. **Make your voice heard!**

Voter-Owned Elections Bill Introduced

by Carol Warren and Julie Archer, WV Citizens For Clean Elections

The WV Public Campaign Financing Act has been introduced in the Senate (SB 241), and we expect it to be introduced in the House early next week. Delegate Dan Poling is a new sponsor of the House bill, along with our sponsors from last year, Delegates Doyle (lead sponsor), Marshall, Hatfield, Brown, Moore, Perdue, Fleischauer, Klempa, Ellem, and Lane. Senate sponsors include longtime supporters Senators Kessler, Foster, Unger, White and McCabe, as well as Senator Plymale.

We met with House Judiciary Chair Carrie Webster on Monday, and she is helping us find out more precisely how much money will be generated by our primary funding source -- a 10% surcharge on civil and criminal penalties over \$1,000. She has sent a letter to Cabinet Secretaries asking for information from each of their agencies with regard to the amount of penalties collected. Delegate Webster indicated she plans to put the bill into an elections subcommittee in Judiciary, which will give us the opportunity to incorporate some suggested changes from the Brennan Center.

Recent challenges to the matching fund provisions of Clean Election laws in three states have made it wise for us to consider an alternative to making "fair fight funds" available based on expenditures by non-participating candidates or third parties. One such alternative is a "hybrid" model where a candidate who finds a need for more than the initial grant could continue to raise small contributions (up to \$100) which would be matched by the state at a pre-determined rate. This preserves the integrity of the Clean Elections system by allowing candidates to plan for potential attacks by collecting small donations in the form of "citizen empowerment" funds. What better way to respond to an attack ad than to say your response is paid for by ordinary citizens, rather than special interests? The hybrid model also has the advantages of eliminating the extra reporting for non-participating candidates, which was never popular with them, and reducing the administrative burden for the Secretary of State.

We'll keep you posted on action on the bill throughout the session. In the meantime, don't forget - the deadline for submissions for the video contest is February 28 (read on for details and thanks again to Jeremy Brannon for doing such a great job launching and publicizing the contest!)

For more information, please contact Julie at 304-346-5891 or julie@wvcag.org.

Bottle Bill Introduced in Both House and Senate

by Linda Frame, linda@wvcag.org

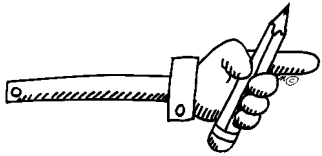
It was a busy week for the WV Bottle Bill. It was introduced in the Senate (SB 237) by Senators McCabe, Foster, White and Wells, and in the House (HB 2602) by Delegates Fleischauer, Poling (Mary), Hatfield, Hamilton, Brown, Tabb and Beach. While the bill is a carry-over from last year it was referred to different committees than before. In the Senate it was triple-referenced to Natural Resources, Judiciary and Finance and in the House it was double-referenced to Energy, Industry and Labor, Economic Development and Small Business (one committee with two chairmen) then Finance.

We also kicked-off the session with a presentation to the House Judiciary and Finance Committees in the House Chambers. John Ferrari from NexCycle in California returned to West Virginia and Tennessee to lend his expertise to our lobbying efforts. With about 30 legislators, 20 or more citizens and several industry lobbyists watching it, his presentation included the basics on how a bottle bill works, along with information on how his business operates and makes a profit in California. We met one-on-one with many legislators who were especially interested to hear about the number of jobs that the Bottle Bill will create in the recycling industry including processors and truck drivers.

John's been in the recycling business for years and notes that the coalition opposing our bill is the same in every state he visits and has the same arguments. Lobbyists opposing our bill are still telling legislators that retailers will be burdened with the empty containers, when this was changed in the bill years ago. Our bill relies on redemption centers that are either privately run or part of the existing infrastructure of our Solid Waste Authorities.

John was on Hoppy Kercheval's radio program and as I am writing this article I am listening to today's follow-up program. My unscientific count has callers supporting the bottle bill outnumbering opponents by a 5:1 margin. Tune in for more on Hoppy next week. Also, check out the Bottle Bill website, www.wvbottlebill.org, for more Bottle Bill news articles appearing today in the *Charleston Gazette* and *Beckley Register-Herald*.

Thanks to those of you who braved the cold yesterday to come to the Capitol, lobby your legislators, and listen to John's presentation. Thanks, too, to WV Environmental Council lobby team members who helped publicize the meeting and show people around who came to lobby. Legislators take note when you are there and we appreciate your support!



Upcoming Events:

February 28, 2009: Deadline to Enter Clean Elections Video Contest

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 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.

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 or call Chelena McCoy at: (304) 533-8878 or WVEC office at (304) 414-0143.

Then stick around for **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. \$15 suggested donation at the door.

May 1, 2009 – WV Citizen Action's Annual Spring Fundraiser.

Celebrate the end of the session and the arrival of Spring with us the Woman's Club with a great buffet, progressive friends, and our silent auction! More details soon!

Lining Up SORO Bill Sponsors

by Norm Steenstra III, norm@wvsoro.org

The legislative session is starting to heat up. We have been busy this week educating senators and delegates on the need for OUR Surface Owners' Bill of Rights bill and encouraging them to sponsor it over the committee's compromise bill based on New Mexico law. While the committee bill provides additional notice to surface owners, our bill gives more notice, plus adds the right to negotiate with the drillers. The Surface Owners' Bill of Rights also gives surface owners the right to purchase gas at cost for wells on their land, and would compensate them for the market value of the property taken for well sites and access roads instead of letting the drillers pay the meadow value for a potential or future home site.

Our bill should be introduced in both houses next week. Please keep up your calls and emails to your legislators. It does make a difference and gives us more credibility in their eyes. The committee bill should also be coming out in the next week and we will be monitoring it, but we are focusing on getting our bill passed.

We definitely welcome and encourage you to come down and meet face-to-face with your legislators at any time. We will be happy to coach you on what to say, and introduce you to your legislators. This is an effective way to get legislators' attention. The oil and gas industry has several lobbyists, so any voters who take the time to share their stories with their legislators will help drive home the message on existing law needs to be changed surface owners the rights and protections they deserve.



Calendar note: March 17 is WV-SORO Day at the state Capitol. Come down and join other surface owners from across the state to lobby legislators. More details to follow soon.

Live each season as it passes; breathe the air, drink the drink, taste the fruit, and resign yourself to the influences of each.

Henry David Thoreau

Why not go out on a limb? Isn't that where the fruit is?

Frank Scully

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