



## Session Has Few Bright Spots

by Gary Zuckett, [garyz@wvcag.org](mailto:garyz@wvcag.org)

"When all was said and done, more was said than done." This is how a *Charleston Gazette* [editorial](#) described this year's legislative session. I can't argue with that except for one BIG exception. Around 9PM on the last night, we sat in the House gallery and watched a little piece of history being made as HB 4130, the pilot project for public financing of the 2012 Supreme Court elections, passed. Now West Virginia is one of only a handful of states to try this option for its courts. We're hoping its success will lead to expansion of "Clean Elections" funding for lawmakers themselves.

Aside from the BIG WIN on the Supreme Court bill almost everything else we worked to pass was tossed in the recycling bin (to return next year). Our push for surface owners to have the right to negotiate the placement of oil and gas wells and haggle for just compensation for the property taken over by such activities was stonewalled again by this powerful and arrogant industry. The Bottle Bill was an early casualty, too.

We had more lobbying success killing bad bills this year, as was the case with SB 369 which would have changed the definition of "shallow" gas wells. Our teamwork with the WV Environmental Council prevented its passage and saved a lot of mineral owners from having their Marcellus gas holdings stolen by near-by drilling.

The Ethics Bill passed the House with unanimous consent, but died the last week in Senate Finance, a graveyard for many good bills. This year's obituaries include: Green Buildings Act; unemployment compensation for part time workers (drawing down millions in federal stimulus dollars); racial profiling training for police; and creation of the Offices of Oral Health and Minority Affairs.

Senate Finance did pass a fall tax holiday for the purchase of guns and ammunition before deer season. Very few lawmakers had the guts to stand up to the NRA. Surprisingly, the "Friends of Coal" license plate failed to pass.

With over 2,000 bills introduced and over 200 still in play the last week, it's impossible to give a comprehensive final review. You can be proud that your lobby team was there every day (and many, many evenings) helping our allies and opposing our enemies in this annual struggle of might against right. Sometimes the big wheels get turned by our little wheels and the outcome is successful, but where more often our little wheels jam up the big wheels and prevent the completely awful stuff from moving forward. Your contributions, calls and all-around support allow us to go to battle year after year.

Thanks again and keep those memberships coming in! Also, please come and celebrate the wins and commiserate the losses at our Spring Extravaganza on April 16 (details on back page)!

## Victory for Clean Elections: Legislature Sends Supreme Court Public Financing Pilot Project to Governor

by Julie Archer, [julie@wvcag.org](mailto:julie@wvcag.org) and Carol Warren

Following HB 4130, the Supreme Court Public Financing Pilot Project, during the session's last week was a bit like riding roller coaster. In the end, however, WV Citizens for Clean Elections had a major victory.

On the session's last night we were on the edge of our seats waiting for the House to receive word of passage by the Senate the previous day. At about 8:30PM, the House of Delegates voted 78-18 to accept the Senate's changes to the bill, sending it to the Governor.

Just two days before, the fate of the bill seemed uncertain as we waited to see if Senate Finance Chairman Walt Helmick (D-Pocahontas) would put it on his committee's agenda. Thank you for all your help with calls to and personal contacts with Senator Helmick. He noticed. Just when we were about to give up hope, we learned the bill was going to be on the agenda. At one point during the Finance Committee meeting, Senator Helmick said, "Well, from what I've been hearing people like this." It was a joke, but with reality behind it. And he even called the voice vote on the bill in our favor, despite some pretty loud "No's".

Although the Senate Finance Committee adopted an amendment which removed more than half the funding for the program, coalition partners agreed our strategy should be to continue to push for passage of the bill and then try to work to get more funding later. The consensus was we would not get this opportunity again and we should go for it. After the committee meeting, we spoke with Senator Jeff Kessler (D-Marshall), who has been a major proponent of public financing for many years, and Delegate Tim Manchin (D-Marion), who championed the legislation in the House, and both promised to do their best to be sure the project was adequately funded.

The following day, the Senate passed the bill by a vote of 26-7, and the rest, shall we say, is history!

Congratulations and thanks to all of you who made this victory happen! We couldn't have done it without you. Thanks for all your efforts!



The Second Annual Sustainability Fair, May 22, 2010, at the Habitat for Humanity Restore is taking applications for exhibitors [www.kvc-fair.org](http://www.kvc-fair.org). A wide breadth of environmental, social and economic sustainability groups are welcome. Exhibitors are encouraged to have dynamic interaction with fair goers so the issues come alive for people. Last year's fair had 93 exhibitors and 1,800 attendees.

## The Good News!

**Some good bills made it through the 2010 Legislative Session....**HB 4373 eliminates the 12 month prior insurance "look back" period, the period for which children in families over 200% of the Federal Poverty Level have to be uninsured before qualifying for CHIP (Children's Health Insurance Program). Eliminating the "look back" period enables children to have quicker access to health insurance. This bill was supported by the Legislative Action Team for Children and Families, whose members include the National Association of Social Workers - WV Chapter, Prevent Child Abuse WV, the WV Alliance for Sustainable Families, WV Coalition Against Domestic Violence, WV Fair Shake Network, WV Healthy Kids and Families Coalition and WV Kids Count Fund.

SB 398 prohibits the disposal of certain electronic devices, such as computers, monitors, and television sets in a West Virginia solid waste landfill. The bill was introduced by Senator Karen Facemyer (R-Jackson).

SB 627 increases the civil and criminal penalties for the crime of littering. The bill was introduced by Senator(s) Ron Stollings (Boone), Richard Browning (Wyoming) and John Unger (Berkeley).

Unfortunately, SB 489, which would have required the WV Solid Waste Management Board to study the state's recycling rates, was gutted by the House Government Organization Committee; where 5 paragraphs were reduced to 1 sentence. According to a phone conversation with Chairman Morgan, he admitted that he gutted the legislation at the request of the "waste haulers and others." When asked who the "others" were, he said "well, the waste haulers." When asked if he gutted the legislation at the request of Greg Sayre, lobbyist for the waste haulers who also oppose the Bottle Bill, he did not deny it, but rather, apologized for his action. There was a gallant effort to restore the bill to the Senate language by Delegate Doyle in House Finance Committee but he had only 72 hours to accomplish it. There just was not time.

## Disappointing Session on Oil and Gas Issues

by Julie Archer, [julie@wvcag.org](mailto:julie@wvcag.org)

Although most of the good oil and gas legislation we were hoping to see passed this legislative session died, the good news is we managed to at least break even. You may recall from the last issue of *the Eye* that there were two bills – one good, one bad –we were following going into the last week of the session.

Just to refresh your memory, the Senate passed SB 369, which would have changed the definition of a "shallow well" so that it applies to many vertical Marcellus Shale wells. This terrible bill would have essentially legalized stealing of gas from neighboring mineral owners.

On the positive side, the House passed HB 4513, establishing additional requirements for the drilling and fracturing of Marcellus Shale gas wells. These requirements are needed to protect rivers and streams from becoming dewatered by water withdrawals or contaminated by disposal of wastewater produced in the drilling and fracturing process. The bill also contained regulations

requiring identification of the contents of fracturing fluids and tracking their disposal.

Here's how things played out during that final week:

The House Judiciary Committee essentially held SB 369 hostage in order to encourage the Senate Energy, Industry and Mining (EIM) Committee to act on HB 4513. However, in an unfortunate turn of events, EIM amended the provisions of SB 369 into HB 4513. In addition, the committee also weakened important protections for our water resources, specifically a requirement that operators have a plan to maintain minimal instream flows. What started out as a good bill aimed at protecting our water resources, turned into something that neither WV-SORO nor the WV Environmental Council could support.

The bill ended up in a conference committee on the last night of the session. Delegate Tim Manchin (D-Marion), lead sponsor of HB 4513, tried convince the Senate conferees to agree to restore critical language needed to protect our waters. When it became clear no compromise could be reached, HB 4513 died, killing SB 369 along with it.

A more detailed wrap-up on these and other oil and gas issues will soon be available at [www.wvsoro.org](http://www.wvsoro.org).

## Comprehensive Immigration Reform

by Lisa Diehl

On Sunday March 21, while the House completed its work on health care, over 200,000 gathered on the Washington Mall to support fixing our broken immigration system. The "March for America" joined leaders and organizations representing labor, people of faith, and communities from across the country to demand that Congress address our nation's most pressing issues.

Decades without immigration reform have created a second class of workers who are exploited by unscrupulous employers. Immigration reform will stop employers from undercutting wages for immigrants which drags all workers' wages down. Reform is a crucial component of restoring fairness to the labor markets and will help our economy recover.

In a recent *Washington Post* op-ed ([www.washingtonpost.com/wp-dyn/content/article/2010/03/17/AR2010031703115.html](http://www.washingtonpost.com/wp-dyn/content/article/2010/03/17/AR2010031703115.html)), Senators Schumer and Graham discussed their legislation which is the first concrete step toward achieving comprehensive immigration reform in 2010. The op-ed laid out a broad bipartisan blueprint that ensures undocumented immigrants can work towards citizenship, cracks down on bad actor employers, and creates a flexible legal system so that future immigration is controlled and orderly.

Reform Immigration FOR America looks forward to partnering with Senators Schumer, Graham and other leaders to advance comprehensive legislation this spring that promotes and protects family unity, protects workers, helps with economic recovery, enhances our security, protects the rights of all, and creates millions of new taxpayers.

## Verizon Sale Too Risky for West Virginians

by Gary Zuckett, [garyz@wvcag.org](mailto:garyz@wvcag.org)

On Tuesday, March 16 members from several organizations gathered outside the WV Public Service Commission's (PSC's) office to deliver petition signatures from over 5,000 West Virginians opposed to the sale of Verizon's land-based phone lines to Frontier Communications.

Verizon has already dumped its wired service in New England and Hawaii by selling it to smaller companies in a complicated deal that left these smaller outfits holding millions in debt while Verizon walked away with tax-free millions through an obscure tax loophole. This is all well and good as corporations are in the business of making money. Except, in these other deals the smaller company had lots of problems integrating all their new customers and ultimately went bankrupt under the debt load while Verizon laughed all the way to the bank.

Verizon has lots of problems with its land service and I think it's totally intentional. They think wireless is the future and don't want to put good money into old technology. But, customers that clamor for the company to be sold to anybody else in hopes of getting better service - beware! If you think your phone service is bad now, what will it be like if Frontier buys it and then goes belly-up? It's sort of like the old saying about getting "out of the frying pan and into the fire."

What about your phone bill? When Frontier needs more cash (remember all its debt?) to service all the old neglected Verizon equipment it will go to the PSC hat in hand and get a big rate increase.

The organizations delivering the petitions included the Communications Workers of America - Local 2001, AARP – the largest senior organization in the country, and WV Citizen Action – the state's oldest consumer watchdog organization. These diverse groups came together to protect workers, consumers and especially seniors who would be adversely affected by any disruption in their telephone service or spikes in its cost.

Much of our state's rural population has no other access to telephone service besides that old wire connected to their home. It is more than a convenience; it's a life line to the outside in case of fire, flood, health trauma or other disaster. The elderly are particularly at risk without a dependable communications outlet. We all depend on timely help from dialing 911 when an emergency erupts, but even this essential service was disrupted for a time in New England after Verizon sold off its lines. For more information on the dangers of this sale see: [www.bad4wv.org](http://www.bad4wv.org)

There are just too many risks involved in this proposed sale. Even the PSC's own staff and their Consumer Advocate's office have called for the sale to be rejected as proposed because of the financial uncertainty and the undue risks to the citizens of our state. The PSC is reviewing testimony from its public hearings and the filings from both sides. It will make a decision in April or May. Now is time for you to contact the PSC and state your opinion. Call (while your phone still works) 1-800-344-5113.

## Health Reform Signed into Law!

by Gary Zuckett, [garyz@wvcag.org](mailto:garyz@wvcag.org)

We're still in shock that the biggest overhaul to our nation's health insurance system since Medicare was passed in the mid 1960's is finally law of the land.

Thanks is due to all who worked so hard attending rallies, writing and calling lawmakers, composing letters to editor, and participating in all manner of citizen activism.

Today the Senate is passing a "Reconciliation" package to fix numerous problems with the main bill. Much more will need to be amended in the future – such as adding a public option which was left out of this round. It's not a perfect bill but it is so far ahead of what we have now and it is a cause for celebration. Check out the March 22 action alert on our web page for a list of benefits that this new law will enact over the next several years.

However, with the passage of this law our work on health reform has really just begun. We're now collaborating with our WV health reform partners to plan for a series of town hall meetings around the state to educate the public on what positive changes to expect from reform (and what still needs to be fixed). Perry Bryant, a former Director of WV-CAG now heading up West Virginians for Affordable Health Care, is leading this effort. Check out [www.wvahc.org](http://www.wvahc.org) for a wealth of info on health policy and listings for these town halls as they are finalized.

WV Citizen Action will honor Perry at our Spring Extravaganza on April 16 with the "Si Galperin in Defense of Democracy" award for his years of public policy work culminating this year with the passage of national health reform. So join us after tax day and help us all celebrate this tremendous move forward in the way we take care of each other in this country!

## Our Roane County Webmaster Walks the Walk

The *Charleston Daily Mail* this week ran an article about Don Alexander and Mary Wildfire's home in Roane County which is totally off the grid. Don and Mary are WV-CAG members and Don is also our webmaster. We are happy to support this sustainable business, run out of the energy efficient home which Don and Mary built themselves. To read more, check out <http://www.dailymail.com/foodandliving/201003230903?page=2&build=cache>.

**Great job, Don and Mary!!!!**

*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 about us at [www.wvcag.org](http://www.wvcag.org)*

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## ***Upcoming Events and Actions!***

**Job Opportunity** - paid training for low-income individuals as home energy auditors near Montgomery, WV is being offered by the Citizens Conservation Corps. Contact Savanna Lyons Green Projects Coordinator, 198 George St., Beckley, WV 25801 (w) 304 254 9196 (c) 304 894 7589 or [slyons@wvccc.com](mailto:slyons@wvccc.com)

### **March 29: Planning Meeting on Health Care Reform, 4:30pm, Sabraton Pizza Hut**

Public education is now a top priority of West Virginians for Affordable Health Care. WVHCA is drafting *A Consumer's Guide to Health Care Reform*, and also co-hosting town meetings around the state to give accurate information about what the new health reform legislation will do, and when. A planning meeting for these efforts will be held on Monday, March 29 at 4:30pm at the Sabraton Pizza Hut (in the strip mall to the right of Kroger's). Everyone is welcome. Visit [www.WVAHC.org](http://www.WVAHC.org) for additional information.

**April 16 & 17: WV Sustainable Fair**. Davis & Elkins College. Speakers & Workshops on Energy, WV Agriculture & Organic Foods, Community Gardening. Green Booths. "A Sustainable Feast" Benefit Dinner Friday evening. Live music throughout, culminating with Saturday concert from 7 PM - 10 PM. Musicians include Mike Morningstar, The Ginsangers and more. **For more information**, contact Denise Poole at [deniseap@earthlink.net](mailto:deniseap@earthlink.net).

### **May 22: Second Annual Kanawha Valley**

**Connections Sustainability Fair**, from 10 a.m. to 4 p.m. at Habitat for Humanity ReStore, 301 Piedmont Road in Charleston. Kanawha Valley Sustainability Fair is the signature event of Kanawha Valley Connections, a volunteer organization dedicated to creating pathways to sustainability throughout the Kanawha Valley and surrounding communities. For more information, e-mail [robin@wvcag.org](mailto:robin@wvcag.org)

## **WV Citizen Action Group's Annual Spring Extravaganza**

Friday, April 16 - Charleston Woman's Club  
Join our progressive community to celebrate  
36 years of Citizen Action in West Virginia  
and to honor the lifelong accomplishments of  
our award winners!

**5:30 PM - Enjoy heavy hors d'oeuvres**

Bid on interesting & eclectic items in Silent Auction, Greet old friends and meet new ones!

**6:30 PM - Awards Presentation:**

**Si Galperin in Defense of Democracy Award:**  
Perry Bryant, West Virginians for Affordable Health Care

**Don Marsh Public Service Award: Dan Butcher**, Lincoln County publisher

**7:00 PM - Music by the Voo-Doo Katz**

Enjoy the auction & delicious desserts. Share the evening with progressive friends, DANCE!  
Tickets ~ \$30/person, \$10/student Contact 304-346-5891 or [linda@wvcag.org](mailto:linda@wvcag.org) for more info.



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