



Capital Eye

Volume 11, No. 4 ~ February 4, 2011

Busy Week Four at the Capitol

By Gary Zuckett, garyz@wvcaq.org

Labor, Social Workers, Nurses and Social Support groups all had their "Days" at the Capitol this week. AFL-CIO's unions came for worker's safety issues and to underline their message to "[buy American](#)." The West Virginia Chapter of the National Association of Social Workers are working on licensing and a broad range of social issues, some partnering with the [WV Coalition Against Domestic Violence](#).

Next Wednesday (February 9th), the West Virginia [Environmental Council](#) will hold E-Day at the Capitol and then host their awards celebration at the Woman's Club. If you are Green and not on the E-Council's weekly legislative update list, look them up and sign on. They do a great job of covering the scores of bills that affect our health and ecosystem!

Speaking of health, the West Virginia Insurance Commission has finally introduced its bill to set up our state Insurance Exchange called for in the new health law. The good news is the Exchange will be run by an independent board. The bad news is that, as proposed, the Exchange Board will have at least three reps on it with a financial conflict of interest – one from the insurance industry, one from the medical field and one insurance agent. The board is supposed to negotiate rates that consumers pay in the exchange. Don't they know what happens when the fox is the guard? To be fair, consumers have three seats too - one from business, one from labor and an individual consumer. Along with the four state agency heads this makes a ten member board with a minority of consumers. Contact the Chairs of both the [Senate Health and Human Resources Committee](#) and the [House Health and Human Resources Committee](#) and also tell members of those committees representing your districts to take out the foxes guarding the Exchange.

While you're at it, put in a good word for the bills to increase the tobacco tax. Every 10% increase in

the price of cigarettes reduces youth smoking by about 7% and overall cigarette consumption by about 4%. The Coalition for Smoke-Free Communities at www.sfwvc.org is where to keep up with SB 362 and HB 2729.

On the federal health care front, both our U.S. Senators voted NO on the Senate's bill to repeal the Affordable Care Act this week. The mostly party line vote failed by a wide margin. "Thank you" calls to both Senators Manchin and Rockefeller are in order. Don't let them hear only from the Tea Party about this vote!

Unemployment Modernization could bring \$22 million in Federal funds into our state's unemployment insurance (UI) pool. Adding victims of domestic violence and those who resume looking for work after taking care of an incapacitated family member as this bill requires would trigger the drawdown of this federal grant to keep our UI fund from going into the red this Spring. SB310 is in the [Senate Labor Committee](#)

2011 Election Bill Round-Up

By Julie Archer, julie@wvcaq.org

Nearly fifty election related bills have been introduced this legislative session. Many clean up obsolete or contradictory language in the election code, or make minor changes to the election process, such as changing the date for auditing (or canvassing) the results of the primary election. Then there are perennial bills like SB 57 and HB 2488 that call for the non-partisan election of state Supreme Court justices.

In addition to the proposal providing for a special primary and general election later this year to fill a vacancy in the office of Governor (which is now awaiting "Governor" Tomblin's signature – see Gary's article for more details), there are several other bills we support and would like to see passed. These include:

SB 317 would require corporations to disclose expenditures for political activities to shareholders, the Secretary of State and the public. Similarly, **HB 2405** would require corporations that use corporate general treasury funds for political expenditures to clearly report those expenditures to shareholders and require shareholders to approve political expenditures of \$10,000 or more. Senator Jeff

Kessler (D-Marshall) and Delegate Tim Manchin (D-Marion) are the lead sponsors of these post *Citizens United* reforms that will help rein in corporate election spending and enable the electorate to make informed decisions and give proper weight to different speakers and messages. In addition, requiring shareholder approval for corporate political expenditures protects the interests of shareholders and ensures that their own First Amendment interests are being acknowledged.

SB 293 and **HB 2903** will finalize the rules relating the WV Supreme Court Public Campaign Financing pilot project, which will make public financing available to state Supreme Court candidate's in next year's elections. The rules were approved by the State Election Commission in August (after incorporating several changes recommended by Citizens for Clean Elections), and the Legislative Rule-making Review Committee in January. Final approval by the full legislature is needed this session to make them official. (For more information on the rule-making process, see Don Garvin's tutorial at http://www.wvecouncil.org/legisupdate/2011/01_28.html#under.)

While we are currently focusing our efforts on ensuring that the pilot is as successful as possible and working to secure additional funding for the project, eventually we would like to see it expanded to include candidates for other offices, especially the state legislature. The WV Public Campaign Financing Act (**HB 2732**) sponsored by Delegate John Doyle (D-Jefferson) and others, would do just that. Publicly financed elections would help ensure that legislators feel free to represent the interests of the citizens and help remove special interest money from the election process, along with real or perceived conflicts of interest. Public financing would also increase the diversity of candidates, and would allow qualified individuals to run who find the current system cost prohibitive or who are deterred by the task of trying to raise campaign funding.

HB 3001, also sponsored by Delegate Doyle, would allow individuals to register and vote on the same day during the early voting period. Considered a compromise to allowing individuals to register and vote on Election Day, the bill would extend the voter registration period through the Saturday prior to an election and make it convenient for voters to

register and vote in one visit to their county clerk's office. It would also allow those who are already registered to update their voter information during early voting, although they could not change their party affiliation prior to a primary election.

A related proposal **SB 391** and **HB 2748** would make changes to the process for establishing satellite or community voting locations for early voting in places other than the county clerk's office. Currently, the county executive committees of the Democrat and Republican parties have veto power over the process. Unfortunately, executive committees in many West Virginia counties killed satellite voting during its first year and only two counties (Jackson and Monroe) took advantage of the opportunity to making early voting more convenient. **SB 391** and **HB 2728** would take the executive committees out of the process.

Reports of vote switching and other problems with touch-screen or direct record electronic (DRE) machines in 2008 prompted our legislature to review the security and reliability of the state's voting machines, but no action was taken to phase out the use of these machines, which can leave voters wondering if their votes were counted correctly. **HB 2222** sponsored by Delegate Harry Keith White (D-Mingo) would prohibit their use in West Virginia elections. Making the switch could save money and improve voter confidence. Optically scanned paper ballots are a reasonable, less expensive and more reliable alternative to DREs and have the inherent advantage of leaving a more reliable and accurate trail of voter intent.

Finally, **SB 322** and **HB 2378** propose to elect the President by a National Popular Vote. Under this compact, the state agrees to award its electoral votes to the presidential ticket that receives the most popular votes in all fifty states and the District of Columbia. The compact goes into effect when states possessing a majority of the electoral votes have joined the compact. Seven states have joined so far. Several more are in process. If you'd like to write your legislator and urge him/her to support the National Popular Vote, please go to: <http://www.nationalpopularvote.com/write/>.

The Race is ON

By Gary Zuckett, garyz@wvcag.org

In the "be careful what you ask for department" we now have both a Primary and General Election to fill Manchin's unexpired term for governor this year! The Legislature has just passed a [bill](#) mandating that the primary be held on Saturday, May 14th and the general on Tuesday, Oct 4th. (Although technically these election dates will not become law until Acting Governor Tomblin signs the official election proclamation, which is expected to happen next week. If that doesn't happen, we won't have a primary!) So candidates are now piling on to run for the one year left in Manchin's term of office. This is interesting since the winner will have to run again in 2012 for a second term. Our two-term limit means that the winner of this special election would only be able to serve for five of the normal eight years for a two-term governor. According to the Secretary of State's Office, "pre-candidacy" period filings have been staked out on the Republican side by former Secretary of State Betty Ireland, Putnam County Prosecutor Mark Sorsaia, Delegate Patrick Lane of Kanawha County. and Senator Clark Barnes of Randolph County. Democrats who have filed pre-candidacy papers are Acting Governor Tomblin, Secretary of State Natalie Tennant and House Speaker Rick Thompson. Jesse Johnson has filed for the Mountain Party. Be assured that more will pile on before it's over.

Last minute note: The Mountain Party picks candidates for governor by convention, not primary, so his filing is likely to set up an exploratory committee.

Help the "Eye" go Viral!

To be more effective, this legislative newsletter needs to reach a wider audience. That's where you, our loyal readers, come in. If every one of our readers would just forward this issue to 10 of their friends who they feel would benefit from getting *The Capital Eye*, we could at least double or triple our circulation!

Please, take a minute and hit the "forward" button on your e-mail program, pick out 5-10 (or more) friends to share the "Eye" with and say "Hey, check this group out, I think you'll like them!" If they like they can go to the [web page](#) and sign up to get

their own copy every week. This is a great way to help us expand our outreach and be more effective in our work. Thanks!

Bottle Bill is Back!

By Gary Zuckett, garyz@wvcag.org

Much to the chagrin of PepsiCo, this perennial bill to reduce highway litter and increase recycling has been reintroduced. [HB 2814](#) requires the use of returnable containers for many beverages and puts a five cent deposit on most single use beverages. It goes to House Judiciary – call chairman [Miley](#) at (304) 340-3252 and ask him to put it on the agenda!

Another waste reduction effort in the house is [HB 2136](#) - A bill to impose an excise tax on grocery stores, drug stores and convenience stores equal to \$.05 for each plastic shopping bag given to customers. The tax may not be passed on to customers. Contact Finance chair [Harry Keith White](#) (304- 340-3230) and tell him what a good idea this is to reduce our consumption of foreign oil and ask him to take it up in his committee.

WVU Releases Industry Funded Study on Marcellus Shale Development

Last week WVU released an industry funded study on the economic benefits of Marcellus Shale development in West Virginia. As you would expect from an industry funded study, there is no mention of any negative impacts on our land, water, air, infrastructure, communities and overall quality of life. We have not had a chance to read the full report, however it is disappointing that a study was not done previously without funding from the oil and gas industry. Our state government and universities should be out in front on this issue. Instead we wait until after things have happened and we get industry funding to do studies. We this does not lead to the same mistakes we made with coal where we did not reap the financial benefits and still got left with the short and long term environmental damage.

In response to the study the Charleston Gazette ran an editorial referencing WV-SORO's slide show on the "Industrialization of Rural West Virginia," noting our (and others) concerns about this

development and stressing the need to impose "strict controls" on the industry in order to "minimize unwanted effects." You can read the Gazette editorial and more about the release of the industry study at www.wvsoro.org. The release of the report was no doubt timed to deter legislators from supporting a much needed overhaul of the state's oil and gas laws.

New EE Program Starts Next Month with Appalachian Power and AEP

By Robin Wilson, robin@wvcag.org

This week ten EEWV members met with Tammy Stafford, Coordinator of the Energy Efficiency/Demand Reduction Program. Tammy explained the new program and answered questions from the EEWV members. This AEP program was mandated by the West Virginia Public Service Commission as a result of CAG intervention and will be paid for through your utility rates. The program's priorities include:

1. Smart Lighting – Subsidies for CFL light bulbs
2. Low Income Weatherization
3. Home Energy Audits and Retrofits
4. Commercial and Industrial energy efficiency.

The AEP program begins in March with \$6.1 million approved by the PSC. [AEP](#) contracted with [Good Cents](#) to perform home energy audits and retrofits and study commercial and industrial energy efficiency and [APT](#) with WVU to also study commercial and energy efficiency.

EEWV is particularly focused on home energy issues. The home energy efficiency program will start in mid-March and has three parts:

An online home energy audit is **free** to all Appalachian Power (APCO) Customers.

- Specific ideas for energy upgrades - Energy Efficiency Education

A small kit of energy efficient materials for those that complete the online audit. This program will use Apogee software with a link to chart your electric use before and after you implement energy efficiency improvements. Usage levels will be tracked and grafted so the results of your improvements will be clear.

- A walk-through energy audit is **free** to all APCO residential customers.
- Minor energy upgrades, such as CFL (Compact Florescent Light bulbs); weather-stripping, recommendations for approved contractors to do upgrades. There will be some rebates for materials but labor will be contracted and paid for by the homeowner. The percent of the rebate has not yet been decided.
- The third part, a full home audit and retrofit is not completely negotiated yet and will be by homeowner initiative with some rebate for materials. The group is compiling a list of certified BPI or RESNET contractors to perform the complete home energy audit with blower door and infrared camera.

- We are looking forward to helping as much as possible. Please let me know if you have time to help people with an online audit or know of people who are certified to do home audits or who would like to be trained for a job as a Stage 2 walk through auditor. Please contact Robin Wilson at robin@wvcag.org or phone him at CAG at 304-346-5891.

Can't Compete with Chocolate

Public radio's "Chocolate Challenge" seems to have taken a bite out of our progress on our Legislative Campaign matching grant. We can still draw down \$1,725 more in matching funds to match your contributions toward our legislative efforts. All those who have been meaning to "get a round tu-it" can still make their contribution count twice! Thanks again to all of those who did send a check to 1500 Dixie St, Charleston, WV 25311 to help pull down our mystery donor's challenge match.

"Hydraulic Fracturing and Horizontal Drilling Gas Act" Introduced

Last week also saw the introduction of the "Hydraulic Fracturing and Horizontal Drilling Act" in both the House (HB 2878) and Senate (SB 258). The bill, which was prepared by legislative staff for an interim study committee, is one of two comprehensive bills regulating Marcellus Shale development that will be before the legislature this session. A second bill prepared by the WV Department of Environmental Protection (DEP) has yet to be introduced.

Both HB 2878 and SB 258 have been referred to the Judiciary and Finance Committees in their respective houses. Last Thursday, members of the House Judiciary and Finance Committees gathered for the first of several joint meetings and presentations on Marcellus Shale drilling and met to hear more presentations today. You can read more about the presentations and responses from various legislators at www.wvsoro.org.

Public Hearing on Minority Affairs

Delegates Clif Moore and Meshea Poore have called for a hearing for a final push to establish the Office of Minority Affairs, [House Bill 2161](#). This bill just missed getting passed last year, so hopefully this is the year to make it. By establishing the Office of Minority Affairs we not only help secure a voice for minority communities in our state government, but we will immediately qualify for federal grant dollars for minority development in West Virginia. In addition to a good turnout at the hearing, two minute statements are needed. The public hearing is scheduled on Monday February

7th at 4:00PM in the House Chambers. Please come out to show your support and call members of the [Government Org. Committee](#) to request their support.

Spill Not Reported and Not Cleaned Up; No Answers for the Surface Owners

What happened to Taylor County farmers Tina and Spencer Wooddell is just one example of why we need legislation to regulate Marcellus Shale drilling and protect the people and resources of the state.

See

http://switchboard.nrdc.org/blogs/amaill/west_virginia_a_spill_not_repo.html)

Many of you have your own horror stories. Contact your legislators and tell them about what happened to you. Tell them what you think needs to be done to address problems related to both Marcellus Shale and conventional drilling. Visit <http://marcellus-wv.com/> and click on "Take Action" to send a quick e-mail (please personalize your message) or visit www.wvsoro.org for additional contact information.

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.

WV Citizen Action
1500 Dixie Street
Charleston, WV 25311

Not Gone and Not Forgotten!

Own land but not the minerals under it? Are you getting calls from drillers hunting down Marcellus Shale and who want to tear up your land to get to it? Visit www.wvsoro.org or contact CAG's Julie Archer at (304) 346-5891 to get the latest information on how to protect yourself and your land from this environmentally invasive process. Julie is the Project Manager of the Surface Owners Rights Organization (SORO), one of CAG's sister groups. While astute *Capital Eye* readers will notice that Volume III of the continuing Marcellus Shale saga didn't make this week's newsletter – don't worry, we'll bring you all the latest developments next Friday!



We Need Your Support
We can't do it without you!

Please renew your membership or send a donation.

Name: _____

Address: _____

E-mail: _____ Phone: _____

Here's my donation of: __\$25 __\$50 __\$100 Other \$ ____

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!