



## Capital Eye

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### Session Wrap-Up, Yawn...

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

The snooze that was the 2012 WV legislative session is now history. Phil Kabler, veteran Charleston Gazette reporter [explains](#) how this session is following a trend of less and less legislation being passed. This is possibly good because there are a lot of very bad bills introduced every session that make our skin crawl such as the “Religious Freedom Restoration Act” which died (but not before spawning a study resolution). We wrote about this demon in our last [newsletter](#) - it would let businesses and individuals thumb their nose at anti-discrimination laws if they deemed them offensive to their religious beliefs. To quote (from a previous session) one unnamed Judiciary Committee Delegate, “Pretty soon there won’t be anyone left to discriminate!” There are too many other brain-numbing bills to even begin to make a list of them. To see a list of laws that did pass (all 213 of them) click [HERE!](#)

Unfortunately, along with all the garbage, most of our progressive legislation was also flushed. The two Energy Efficiency proposals, even though modest in scope, were squashed by the big power boys. See more on this at the [www.eewv.org](http://www.eewv.org) page. Probably the most personal disappointment was the failure of either the House or Senate to pass their resolutions (HR 8 & SR 7) opposing the terrible Supreme Court “Citizens United vs. FEC” ruling that has “marinated” our elections in corporate and billionaire’s cash. These resolutions were introduced way back in January, but left to wither in committee. The new group we are working with, West Virginians for Democracy will continue the fight to repeal, undo, and/or overturn this errant court decision, including a constitutional amendment. Watch for a major petition drive to emerge on this issue soon.

On a positive note, the disclosure bill we were supporting did make it though, albeit in a narrowed down version. This was the effort of our friends at the WV Association for Justice to have insurance companies disclose the amount of insurance coverage an entity has who is involved in an accident or other covered event. This will actually reduce the number of lawsuits as lawyers will now have this information in hand when deciding whether to go to court over a claim instead of having to sue just to get this information. Still, the folks who love to cry wolf over “frivolous lawsuits” and “tort reform forever” vigorously opposed this sensible change in the legal code.

### Federal Transportation Funding to Expire March 31st

This week the US Senate passed a two-year multi-billion dollar transportation bill to fix our roads & bridges, fund transit and all the other “enhancements” such as sidewalks, bike lanes and crosswalks that pedestrians need. This is in contrast to the bill that failed in the [House](#) which would have drastically cut funding across the board and put millions of construction workers out of jobs. March 31<sup>st</sup> is when all Federal funding for transportation expires so now the House must act or we’ll be in for a bumpy ride this summer as construction and repair projects grind to a halt. Both Reps Rahall and Capito are on the House Transportation Committee. Calls are needed to thank Rahall for standing firm on the side of continued funding for these critical projects and into Capito’s office to ask her to either help pass the Senate Bill or a “clean” extension of funding until after construction season.

### WV Fails to Attract “Cracker”

Breaking news is that PA is the state Shell has chosen to bestow its natural gas “cracking” plant. This is despite the millions in tax breaks promised by this legislature to woo it south. The WV Center on Budget & Policy posted [these comments](#) that tax breaks are not the best way to entice new business.

In their analysis, Ohio should have gotten the plant if tax concessions were the deciding factor because

in all measures the Buckeye State has it all over both PA and WV. Another economic myth busted by the deep thinkers at the Center...

## **NORMS are HOT**

This session was devoid of any discussion of the problems associated with Marcellus gas drilling even though over 20 bills were introduced to fix the industry-approved bill that passed during the December special session. However, one problem that does not even blip on the WV radar is the issue of NORMS or Naturally Occurring Radioactive Materials. This is a recognized problem everywhere but here in WV. Here it is not even getting lip service let alone the needed attention to prevent public exposure to this tasteless, odorless, silent toxin that lasts for generations and is found in the "flow back" frack fluid in every Marcellus well drilled. The problem is actually compounded when frack water is reused for the next well – the fluid just keeps accumulating additional radiation. When will the public be protected from the radiation in this sludge? Is anyone even checking for this? More next time...

## **Sticker Shock at the Pump – Who's to Blame?**

I should have filled up my gas tank on yesterday because today the price is ten cents higher @ \$3.95. This is not ever good news but is especially bad in an election year. Hoppy Kercheval's Talkline radio hosted a speaker this week from the conservative Heritage Foundation who was salivating into the microphone over the prospect that escalating gas prices would help tank Obama's reelection.

There is no good economic reason for pump prices to be soaring right now says a [letter](#) signed by 38 US Senators and Representatives including Manchin, Rockefeller and Rahall who are asking Federal financial regulators enforce the law and reign in speculators in the futures market that are adding an estimated 54 cents to every gallon of gas through their profiteering. Wall Street strikes again, ripping off the 99% where they can least afford it – in paying for the gas to get to work.

## **Done, but not Finished**

Now that the legislature is over we're all breathing a sigh of relief before wading back in to the everyday challenge of fighting for social and economic justice. This Spring will be blooming with new actions focused on the 1%, Summer events will promote civic engagement, and in the Fall working for positive outcomes in November. Your support and activity is critical now more than any time in our history. The forces massing against our democratic system are relentless and so we must also be. Please take a minute and send in your member renewal or an extra contribution toward the work that must be done. Thank you for your support!

## **Legislature Establishes Office of Minority Advocate** by Julie Archer, [julie@wvcag.org](mailto:julie@wvcag.org)

After three failed attempts, the West Virginia legislature has finally agreed to establish an office of minority affairs within the Governor's office. The office, which is named in honor of the late Herbert Henderson, a McDowell County native who became a prominent attorney and once headed the NAACP in West Virginia, would research, advocate for and oversee programs that address issues disproportionately affecting African-Americans and other minorities.

The office would provide a forum to discuss issues and concerns of minority communities and develop strategies to address economic and other disparities that affect thousands of state residents. Minority groups that would benefit from the office's efforts would include any religious or ethnic groups that make up less than 10 percent of the state's population or other groups who have historically faced discrimination.

A year ago, the House-passed measure died in the Senate over a dispute involving funding for the new office. This time around, lawmakers in both houses agreed to lay out \$176,000 to get the office up and running. That funding will cover salaries for an

executive director and administrative assistant for the office.

(Compiled from media reports)

## **Lawmakers Kill FOIA Fix Legislation**

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

Once again the Senate Judiciary Committee has succeed in killing a bill aimed at closing a perceived loophole in the state's Freedom of Information Act that has been used to keep the personal e-mails of public officials from being released.

The bill (HB 2402) defines a public record as any writing prepared or received by a public body, if its content or context relates to the public's business. Delegate Barbara Fleischauer (D-Monongalia), lead sponsor of the bill sought the revision in response to a 2009 state Supreme Court ruling rejected a FOIA lawsuit by the Associated Press.

The case involved e-mails between former Supreme Court Chief Justice Elliot "Spike" Maynard and then-Massey Energy CEO Don Blankenship that the AP sued to obtain under the Freedom of Information Act. The AP sought the e-mails after the release of several photos showing Maynard and Blankenship spending time together on the French Riviera during July 2006, while Massey had several cases pending before court.

Ken Ward has more details at *the Charleston Gazette's* "Sustained Outrage" blog -- <http://blogs.wvgazette.com/watchdog/> (see "Lawmakers kill FOIA fix legislation").

Of the 74 election related bills introduced this legislative session, only half a dozen managed to make it through the legislative process to the Governor's desk. These include:

HB 4257, which would bring West Virginia in line with 36 other states by allowing late voter registration (up to but not including the day of the election) for members of the military, Merchant Marines and others who reside temporarily outside

of the United States and a related bill, HB 4403, which changes the filing deadline for certified write-in candidates to support the required transmission deadline of absentee ballots to voters covered by the Uniformed and Overseas Citizens Absentee Voting Act.

HB 4238 would establish procedures for the inclusion of Address Confidentially Program (ACP) participants to be included on the special absentee voting list and specify the method of application and ballot provision for the program participants. The ACP is a program, established by the legislature in 2007, designed to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, sexual assault or stalking by using an address designated by the Secretary of State as a substitute mailing address. This program prevents abusers or potential abusers from using public records as a resource to find their victims. The purpose of HB 4238 is to further protect a program participant's location information.

Bills allowing state political parties to establish committees to raise funds for a headquarters for a party's state executive committee (SB 628), permitting municipalities to stagger the terms of elected officers (HB 4279) and ensuring that county executive committees (rather than county clerks) have control of designating the persons who serve as ballot commissioner (HB 4451) were also passed.

House and Senate bills inspired by the latest election rigging scandal in Lincoln County were among the many election bills that died. SB 518 would have disqualified anyone convicted of treason, a felony, bribery or perjury from running for or being appointed to any elected office. Although, we were initially in favor of the bill when we thought it was limited to people who were convicted of crimes related to election rigging, after we realized it was more broadly written we were prepared to fight it in the House. However, the announcement by former Lincoln County Assessor Jerry Weaver, whose controversial candidacy for sheriff led to the bill's introduction, that he would withdrawal from the race seemed to dampen the interest in the bill. Ultimately, the bill did not get

legs because an attorney with the House Judiciary Committee raised concerns about its constitutionality. HB 4506, which would have increased the penalties for absentee ballot fraud also died.

## **100,000 New Activists to Train for 99% Spring** by Maggie Fry, [maggie@wvcag.org](mailto:maggie@wvcag.org)

Last week, a Charleston Occupier bumped into Rod Blackstone, assistant to the city's mayor, and Mr. Blackstone stopped him to ask, "So what is Occupy doing these days?" Like the many places where small communities stood up to answer the OWS solidarity call in October, the Charleston Occupation is a lingering question for the city and its residents, though the camp has long been shut down.

Likely, Mr. Blackstone's interest in the movement's activity has something to do with the 99% Spring calls to action, which are being shared by labor unions, progressive, environmental, social justice and direct action groups across the country. The 99% Spring, however, is not "Occupy."

Like the movement started on September 17, 2011, 99% Spring is a non-partisan grass roots efforts to hold accountable the 1% of our population that controls and mismanages our economy and our resources. Like Occupy, 99% Spring will demand no more business as usual. No more corporations occupying our homes, our bodies, and our heritage. But the 99% Spring movement is an even more widespread effort to create a cohesive, American people's answer to the global call for Corporate and Political accountability that captured our hope and imaginations as the Arab Spring and Wisconsin uprisings of 2011.

During the week of April 5th – April 9th, social and economic justice, faith, labor and other progressive groups across the country have signed on to increase the movements' momentum by training 100,000 people in non-violent direct action. 99% Spring promises that this is the season for real change -- we will reclaim our democracy, and we will hold accountable the corporations who have

ravaged our economy and put our culture in peril.

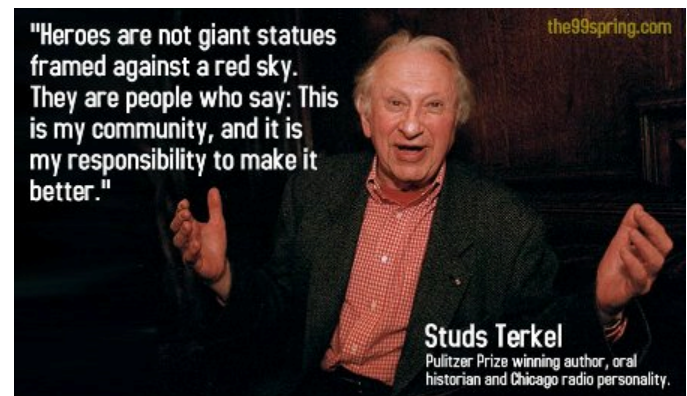
This weekend, WV-CAG will join with affiliates for the March 17th – 18th National Trainers Gathering in Washington, DC. Later this month, regional trainings will organize aspiring leaders from cities and communities across the United States to take April actions in their local communities.

To become a part of shaping the way history is made, visit [www.99spring.com](http://www.99spring.com) and sign your organization up to host 99% Spring trainings that will help you empower your community to tell the story of our economy's crash and understand the way forward. Learn how you can take action to rebuild a country where life, liberty and the pursuit of happiness are truly the measure of our self-evident human rights.

This spring, it will no longer be necessary to ask what's happening with our movement. Change is happening, justice is underway, and our voices will be loud and clear. We will expect no less from our elected leaders than from our grassroots leaders – they too must support the power of the people, and put a stop to the corporate drain of our country, our state, our city's vitality.

If I see Mr. Blackstone this week, and he asks me what Occupy Charleston is doing, I will say this, "Expecting you to join the 99%" and then I'll send him to the website.

For more information about 99% Spring and how you can work with WV-CAG to get involved, contact [maggie@wvcag.org](mailto:maggie@wvcag.org)



*graphic courtesy of 99% Spring*

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*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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NOTE: If you would rather make a *tax deductible* donation, you can donate to the WV-CAG Education Fund instead. Make checks payable to WV-CAEF.