



Capital Eye

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The Crowd Thins Out

Gary Zuckett, garyz@wvcag.org

As we mentioned on Monday, this was crossover week and bills not passed out of their house of origin are generally dead. I say generally because leadership has ways to make bills come back to life through various obscure procedures. These “zombie” bills can attach to one that is still alive and cause it to fail, or tag along with it to the finish line. I never did like horror movies, but I’m afraid not to watch this process...

Now that both Houses are mainly dealing with bills passed over from the other side and no new bills are being introduced, the manic tension in the air up there has subsided, for now. The majority of introduced bills are now in the recycle bin and one member of the House of Delegates mentioned to me (with a smile) as we left the building on Crossover Day, “It’s time to kill some Senate Bills.” I’ve got several (from both sides) on my wish list...

Monday our citizen lobbyists from WV for Democracy will be in the halls to push the Senate to follow the House’s lead and pass SR24 the resolution to overturn Citizens United vs FEC. See Barbara’s article and come on up if you can.

We are one of the founding groups of a broad progressive coalition called WV United for Social & Economic Justice with Labor, Faith, and other non-profits like us in the mix. During the session we’ve been meeting weekly to go over bills and issues that come

up and to help support each other’s initiatives. The following is some of the info from today’s discussion:

Our allies at ACLU are still fighting the governor’s “Drugged Driving” bill HB 2513 that allows the state police to drag you down to the emergency room to draw blood for a test to discover if you are driving under the influence of drugs. What happens if you’re in a rural county w/o a hospital? ACLU says it’s a warrantless search and probably unconstitutional, but hey, the governor usually gets what he wants. This one is in Senate Transportation then goes to Judiciary.

The Maternity Insurance Coverage bill SB 22 is also still alive and in the House Judiciary committee for consideration. This is the one that requires insurance companies to cover dependent daughters for pregnancy medical services.

The Governor’s “Jobs Impact” bill SB187 also made it across the aisle very much alive. This is another suspect bill that would require an assessment of the number of jobs created or lost by any given piece of legislation when requested by leadership or the governor. This is a concept long supported by polluters as a weapon against those pesky pro-environment bills that keep threatening the profits of our extractive and chemical industries. Its single referenced to House Judiciary.

Our Supreme Court bill HB2805 to make last year’s successful public financing pilot project also came up for discussion. Allies at the WV Association for Justice noted that their nemesis, the astroturf group “Citizen’s Against Lawsuit Abuse” is running a poll in their rag the ‘WV Record’ asking readers if they agreed with the idea of public financing

for SC races. Go to <http://wvrecord.com/> to vote yes. See Julie's article for details.

There's so much more going on up there than we can possibly cover in this newsletter. Feel free to contact us with concerns about bills of interest. Also, WV Public Broadcasting does a great service on its Legislature Today TV show every evening and WV Morning news on their radio stations. Their web page has links to listen anytime. Once more, the legislative web page is also treasure trove of info: www.legis.state.wv.us

Thanks for Your Support!

We are still working our way toward matching the \$5,000 challenge by one of our long-time donors. As of today we've cost him almost half of his pledge. You can help us draw it all down with your contribution. The legislative session is one of our most expensive projects every year – and the most important! Your contributions in support of our efforts are much appreciated and needed. Please take a minute to drop us a check to 1500 Dixie St, 25311 or on our web page at www.wvcag.org.

Help Stop “Halliburton” Amendment to DEP’s Horizontal Well Control Act Rule *By Julie Archer, julie@wvcag.org*

A couple of weeks ago we ran a *Dominion Post* editorial about the Senate Energy, Industry and Mining (EIM) Committee adopting an amendment to DEP's Horizontal Well Rule that weakens the provisions that require disclosure of the chemicals used in hydraulic fracturing. The amendment was adopted due to pressure from Halliburton.

It was our understanding, based on comments Halliburton submitted to the DEP last year, that the company's primary objection was to the proposed requirement that operators submit information revealing the percentage/concentration of each chemical constituent in each additive. They wanted the chemicals to be delinked or unlinked from the additives to prevent competitors from reverse engineering their additive mixtures.

However, the amendment adopted by Senate EIM goes beyond delinking/disaggregating the concentrations of chemical constituent information from chemical additive information. It allows operators and their service providers to keep not only the concentration of the chemicals in the additives, but also the identity of specific chemicals a secret even from the DEP except in the case of an investigation involving a chemical designated as a confidential trade secret. The amendment also requires healthcare providers to sign confidentiality agreements and sign a written statement of need in order to obtain information about the identity or concentration of a chemical designated as a confidential trade secret.

These changes are not protective of human health or our right to know what chemicals are being transported on our roads, being worked with in our communities and on farmers' and other surface owners' land, and pumped in the ground below us.

The rule is now part of a DEP Rule Bundle (SB 243). **SB 243 will be on the House Judiciary Committee agenda Monday or Tuesday.**

Please contact House Judiciary Committee members and tell them to protect the

public by removing the “Halliburton”/EIM amendment from the rule. (See contact info. below.)

Ask committee members to return the Rule to the original version, approved by the Legislative Rulemaking Review Committee.

Read Chuck Wrostock’s op-ed regarding the Halliburton amendment here:

<http://www.wvgazette.com/Opinion/OpEdCommentaries/201304040080>

Thanks for taking action.

House Judiciary Committee Members:

Tim Miley, (D-Harrison), *Chair* – (304) 340-3252 – tim.miley@wvhouse.gov

Tim Manchin, (D-Marion) *Vice Chair* – (304) 340-3392 –

tmanchin@manchininjurylaw.com

John Ellem (R-Wood), *Minority Chair* – (304) 340-3394 – john.ellem@wvhouse.gov

Patrick Lane (R-Kanawha), *Minority Vice Chair* – (304) 340-3275 –

Patrick.lane@wvhouse.gov

Michael Ferro (D-Marshall) – (304) 340-3111 – mike.ferro@wvhouse.gov

Barbara Fleischauer (D-Monongalia) – (304) 340-3169 – barbaraf@wvhouse.gov

Cindy Frich (R-Monongalia) – (304) 340-3125 – cindy.frich@wvhouse.gov

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Bill Hamilton (R-Upshur) – (304) 340-3167 – bill.hamilton@wvhouse.gov

Mark Hunt (D-Kanawha) – (304) 340-3366 – mhunt@markahunt.com

Lynwood “Woody” Ireland (R-Ritchie) – (304) 340-3195 –

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Meshea L. Poore (D-Kanawha) – (304) 340-3106 – meshea.poore@wvhouse.gov

John Shott (R-Mercer) – (304) 340-3187 – john.shott@wvhouse.gov

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Kelli Sobonya (R-Cabell) – (304) 340-3175 – kelli.sobonya@wvhouse.gov

Isaac Sponaugle (D-Pendleton) – (304) 340-3154 – Isaac.sponaugle@wvhouse.gov

Danny Wells (D-Kanawha) – (304) 340-3287 – danny.wells@wvhouse.gov

LOBBY For Democracy Monday April 8th *By Barbara Frierson*

Riding on the wave created by the House of Delegates passing HR 9 two weeks ago, West Virginians for Democracy and WV Citizen Action are heading for a clean sweep by getting SR 24 out of the Senate Judiciary Committee and passed on a roll call vote in the Senate this week. The two resolutions call on the U S Congress to reverse the Citizens United decision on campaign financing by "big money" and to propose a constitutional amendment if necessary to accomplish that.

We need to lobby every Senator in the state between now and April 13th. If you have not yet contacted your district's senator(s), please CALL THEM NOW and tell them how important it is to you that they support clean and fair elections, and that they represent your interests rather than those of their financial sponsors!

Volunteers will meet on Monday, April 8, at the Robert Byrd statue on the 2nd floor of the Capitol, near the well under the rotunda, from 9:30 to 11 a.m. and from 1 to 4:30 p.m. Small groups will be dispatched to visit each Senator's office with information about SR 24 and a cover letter. Please come if you can!

Half Way There: House Approves Bill Making Supreme Court Public Campaign Financing Program Permanent

By Julie Archer, julie@wvcag.org

On Wednesday, the House of Delegates approved HB 2805, making the WV Supreme Court Public Campaign Financing Program permanent. The vote was 70-29. You can see how your Delegate(s) voted here:

<http://www.legis.state.wv.us/legisdocs/2013/RS/votes/house/00172.pdf>

As Kathy Stoltz with the League of the Women Voters-WV said after the bill's passage, "This is good news for voters. We are encouraged by this positive step toward making Supreme Court elections open to more candidates and to candidates who want to focus on their qualifications and the voters, not on how to pay for the campaign. We hope the Senate will follow the House

and make the public financing option a permanent feature of Court elections."

We are grateful to the bill's sponsors Delegates Tim Manchin (D-Marion), Mike Caputo (D-Marion), John Ellem (R-Wood), Barbara Fleischauer (D-Monongalia) Nancy Guthrie (D-Kanawha), Patrick Lane (R-Kanawha), Mike Manypenny (D-Taylor), Tim Miley (D-Harrison) Doug Reynolds (D-Cabell), Stephen Skinner (D-Jefferson) and Harry Keith White (D-Mingo) – especially Delegate Manchin who has championed this issue for a number of years and who defended the bill Wednesday on the floor. We are also grateful to Secretary of State Natalie Tennant and her staff, all of our Citizens for Clean Elections Coalition partners for their support and to all of you who helped us get to this point.

As we head into the final week of the session, help us send a strong message to the Senate. Please your Senators and urge them to support HB 2805 and make public financing a permanent part of West Virginia Supreme Court Elections. You can find contact information for your Senators here:

<http://www.legis.state.wv.us/Senate1/roster.cfm>.

Here's an example of what you can say:

Please support HB 2805, making the WV Supreme Court Public Campaign Financing Program permanent. Making public financing a permanent part of WV Supreme Court elections is the best way to rein in campaign costs, keep special interest money out of the courtroom and eliminate the resulting perception that justice is for sale. This legislation is critical to ensuring the fairness

and impartiality of the WV Supreme Court of Appeals.

We'll Keep Fighting for Energy

Efficiency in WV By Stacy Gloss,
stacy@wvcag.org

Last week the House Judiciary Committee voted against Integrated Resource Planning (IRP) – a common sense planning tool used in some form by 34 other states - that provides WV Public Service Commission (PSC) the ability to require utilities to submit their plans for meeting future electricity needs and evaluate resources including energy efficiency in their plan.

Despite this setback, Energy Efficient West Virginia will continue to fight for stronger energy efficiency policies and programs through two major utility proposals currently before the PSC. Both of WV's major utility companies (Appalachian Power and Mon Power) are proposing to buy very large shares of power plants already located and operating in West Virginia directly from subsidiaries of their parent companies (AEP and FirstEnergy).

FirstEnergy's Mon Power and PotomacEdison announced their plan to buy the remaining 80% (1476 Mega-watts) of the Harrison power plant from Allegheny Energy Supply another subsidiary of FirstEnergy. The purchase price is \$1.2 Billion and will raise residential electric rates by 6%.

Appalachian Power and Wheeling Power are planning to purchase a total of 1667 MW (50% of the Mitchell power plant and 30% of the John Amos power plant) from Ohio Power, another subsidiary of Appalachian/Wheeling's parent company. Although Appalachian Power has stated they

will not raise their customer's rates this year, the purchase price is \$1.4 Billion and power customers will have no choice but to pay off this investment for the next 25+ years.

Neither utility adequately evaluated alternatives including energy efficiency as the lowest cost, least risk resource.

You can tell the PSC you do not support FirstEnergy's proposal and ask them to reject the plan for higher rates. To submit comments now about FirstEnergy's case to the PSC, you may submit comments to the PSC [online](#) or send a letter to 201 Brooks Street, Charleston, WV 25301. Be sure to include the case number 12-1571-E-PC on your comments. Look for updates soon on how to submit comments about Appalachian Power's case.

Offshore Tax Havens Cost the Average West Virginia Taxpayer \$621 a Year, The Average Small Business \$2300

With Tax Day rapidly approaching, WV Citizen Action, state partner of Americans for Tax Fairness, released a new report today to remind West Virginians where their tax dollars are going. The study by PIRG, the Public Interest Research Group, revealed that the average WV taxpayer in 2012 would have to shoulder an extra \$621 in taxes to compensate for the revenue lost due to the use of offshore tax havens by corporations and wealthy individuals. The total cost of making up for this lost revenue was reported as over \$490 million. Read the full report at: www.wvcag.org

“Tax dodging is not a victimless offense. When companies use accounting gimmicks to

move their profits to tax haven shell companies, the rest of us have to pick up the tab,” said Gary Zuckett, Exec. Dir. West Virginia Citizen Action. “With both our state and the nation facing such serious budget challenges, it’s a no-brainer that we need to close these loopholes and stop letting large corporations avoid paying what they should.”

Every year, corporations and wealthy individuals avoid paying an estimated \$150 billion in taxes by using complicated accounting tricks to shift their profits to offshore tax havens. Of that \$150 billion, \$90 billion is avoided specifically by corporations.

The report, titled *Picking Up the Tab*, additionally found that the average WV small business would have to pay nearly \$2,300 to cover the cost of offshore tax dodging by large corporations. Offshore tax havens give large multinationals a competitive advantage over responsible small businesses which don’t use tax havens and get stuck footing the bill for corporate tax dodging.

“Local businesses do their part to make our community better,” said Zuckett. “Their taxes help pay for roads, bridges, schools, and other public services that customers depend on. Big corporations should do the same and pay their fair share for the services that helped them build their profits.”

Many of America’s largest and best-known corporations use these complex tax avoidance schemes to shift their profits offshore and drastically shrink their tax bill:

- **Pfizer**, the world’s largest drug maker, made 40 percent of its sales in the U.S. over the past five years, but thanks to their use of offshore tax loopholes they reported no

taxable income in the U.S. during that time. The company operates 172 subsidiaries in tax havens and has \$73 billion parked offshore which remains untaxed by the U.S., according to its own SEC filing. That is the second highest amount of money sitting offshore for one U.S. multinational corporation.

- **Microsoft** avoided \$4.5 billion in federal income taxes over a three year period by using sophisticated accounting tricks to artificially shift its income to tax-friendly Puerto Rico. Microsoft maintains five tax haven subsidiaries and keeps 70 percent of its cash offshore, a total of \$60.8 billion, on which it would otherwise owe \$19.4 billion in U.S. taxes.
- **Citigroup** – a bank that was bailed out by taxpayers during the financial meltdown of 2008 – maintains 20 subsidiaries in tax havens and has \$42.6 billion sitting offshore, on which it would otherwise owe \$11.5 billion in taxes, according to its own SEC filing. Citigroup currently ranks eighth among U.S. multinationals for having the most money stashed offshore.

“It is appalling that these companies get out of paying for the nation’s infrastructure, education system, and security that help make them successful,” added Zuckett .

The report recommends closing a number of offshore tax loopholes. Many of these reforms are included in the Cut Unjustified Tax Loopholes Act (Senate Bill 268).

Miners Rally in Capitol City Spectacular *by Norm Steenstra,* norm@wvcag.org

You all have probably seen pictures or film of the huge United Mine Workers rally held in downtown Charleston Monday. Well for someone who was there it was both amazing and empowering. The environmental groups have in the past have put together a couple of thousand-people events that were quite impressive, yet the UMWA event dwarfed those rallies.



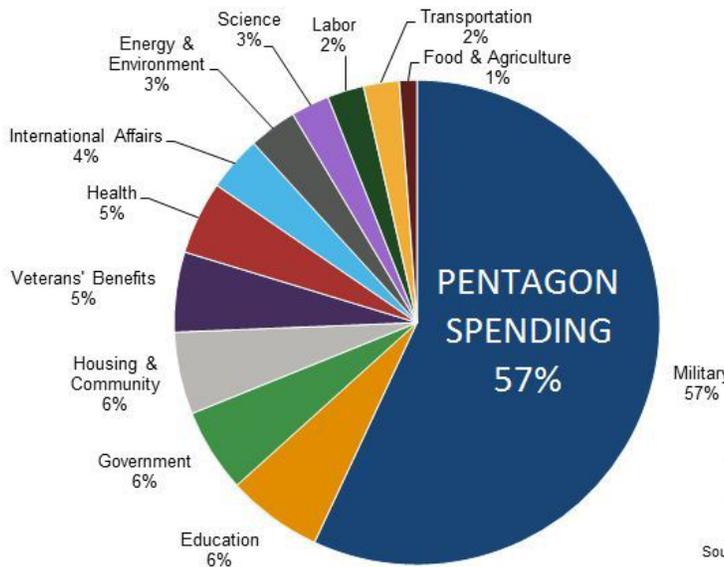
I have heard estimates of five, eight and ten thousand participants Watching, (and actually unsuccessfully trying to count heads) my guess is that maybe 10,000 folks expressed their anger and disgust at Patriot and Peabody Coal's attempt to strip miners and retirees health care benefits. It was the largest West Virginia rally I ever witnessed in my 35 years in the state.

The issue in essence boiled down to corporate responsibility and triumph of greed over that responsibility. If corporations were indeed people I believe a couple thousand angry people would have built a scaffold and hung Patriot Coal by the neck on Monday. It was empowering to see several other unions and hundreds of other progressive folks walk with the miners in expressing their outrage. I've almost never carried a sign during a rally, but on Monday I proudly held a sign that said "ARE YOU NEXT?"

Make a Call to Pull Pentagon Pork *By Maggie Fry,* Maggie@wvcag.org

West Virginia will suffer when the sequester cuts combine with the Governor's budget cuts and we see social programs go severely un/under-funded throughout the state. We will be sicker, more traumatized, less educated, and our infrastructure will be more dangerous. If you haven't called yet, call now – it's hard enough to get ahead in West Virginia as it is.

President's Proposed Discretionary Spending (FY 2013)



corporations and millionaires pay their fair share. No more cuts."

Don't Forget Medicaid Expansion This Sunday: STATEWIDE FORUM and Training

If Gov. Tomblin says "yes" to Medicaid Expansion, the Federal Government will provide more than 90 percent of the costs to pay for health insurance for families who are working but making less than 138 percent of the federal poverty line. The rest of the costs will come from the enormous savings from families no longer relying on costly emergency room care. Governors across the country, including 8 Republican and all Democratic Governors have said yes to Medicaid expansion because it is good for their state's budget, economy, and health. The program would create 6200 new jobs in West Virginia alone!

Sunday * April 7 * Charleston
 Christ Church United Methodist, 1221
 Quarrier
 2:00pm – 3:30pm (Doors open 1:30pm)

Senator Manchin needs to know that his constituents realize that most of the programs effected by the sequester could be fully funded if Congress called for deep and meaningful cuts to Pentagon Spending. We are finally ending our decade of war with the near east. We need a budget that allows us to recover from the years of pentagon pork mongering that's crippled our economy with debt and burdened our communities with a culture of constant war. We need to call on Senator Manchin to be brave enough to stand up to multibillion dollar defense contracting corporations and stand up for our right to health, education and safe communities.

Use this number: (888) 872-1238 and ask that Senator Manchin support a budget that values peace, rebuilding and sustainable livelihoods. You might say something like this: ***"Cuts to our communities. Cuts to our families. That's the last thing we need after we've struggled for so long. Tell Congress: Repeal the sequester. Instead, end wasteful Pentagon spending and make the big***

Health Care for 120,000 West Virginians



Statewide Forum & Training on the Medicaid Expansion

Sunday, April 7, 2013 • 2:00 to 3:30 pm
Registration and Refreshments: 1:00-2:00p.m.

Christ Church United Methodist
1221 Quarrier Street East, Charleston, WV

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Visit the website, www.medicaidexpansionwv.org, to see if you qualify for coverage under the Medicaid expansion.



Gazette Legislative Roundup

In case you missed this editorial from Wednesday's Charleston Gazette, we've included it here for your legislative reading pleasure. Though WVCAG doesn't necessarily endorse all of the opinions expressed in it, the editorial marks well the topography of public policy concerns in this complex, strange social body we call West Virginia.

“Only 10 days remain in the 2013 regular legislative session, and it's time to start assessing results. Here goes:

Gun zealotry -- In the wake of the Connecticut massacre of first-graders, the House of Delegates plunged into a frenzy for guns, with 33 pro-gun bills introduced. The House overwhelmingly passed House Bill 2760 to revoke local gun safety laws in Charleston and other cities -- but the Senate blocked it after gun fanatics made a death threat against a senator. Meanwhile, still-pending HB2504 would jail federal officials who enforce U.S. gun laws, and HB2911 would hide the names of thousands of West Virginians with permits to carry hidden, loaded pistols. Was the House orgy a cynical ploy by most delegates to win votes from gun-lovers?

School reform -- Gov. Tomblin's attempt to raise West Virginia learning scores was

Film Screening Hosted by West Virginia Legislature

Monday, April 8 at the Culture Center in Charleston will be a screening of a documentary on hunger in America, *A Place at the Table* at 6PM. Immediately following will be a panel discussion featuring film director Lori Silverbush and food expert Dr. Janet Poppendieck. For more information, contact Paul Sheridan at paul.sheridan@wvsenate.gov or 304-357-4490.

watered down to suit teacher unions, but it still contains a few good steps such as longer school years and all-day pre-school classes for 4-year-olds. However, school reform crusader Charles McElwee points out that the Legislature has passed education changes every year for 24 years, yet student scores remain in the cellar. Will any improvement occur?

Prisons -- The conservative "lock 'em up" mentality caused West Virginia's inmate population to soar from 1,000 in the 1970s to more than 7,000 today. Rather than spend \$250 million for another prison, the Senate passed SB371, in its very first roll-call vote, to put more nonviolent offenders into probation and rehabilitation. We hope the House concurs.

Cigarette tax -- Health researchers say that adding \$1 to West Virginia's cigarette tax would save multitudes of teens from nicotine addiction, avoiding 11,800 early deaths and \$17 million annual medical costs, bringing the state an extra \$120 million revenue. Senators Brooks McCabe, Ron Stollings, Jeff Kessler and Roman Prezioso introduced such a bill March 21 -- but observers predict it will have little chance against Gov. Tomblin's no-new-taxes vow. That's a shame. (Update: SB 593 did not pass through the Health and Human Resources Committee)

Human rights -- More than 30 states have expanded their hate crimes laws to cover "gay bashing" attacks, and 21 have passed human rights laws that protect gays from being fired from jobs or evicted from apartments, just because of their orientation. Many cities, including Charleston, have done likewise. In the Legislature, House Bill 2856 would have extended job and housing protection to gays. But rural fundamentalist

prejudice caused it to be weakened so badly that the sponsor -- the only openly gay delegate -- withdrew the bill. Will West Virginia be the last place in America to take this step for fairness and decency? The bill should be brought back and put to a vote, making a public record of each legislator's stand.

Online sales -- For decades, West Virginia has struggled to collect the state's 6 percent sales tax on mail-order and Internet purchases shipped into the state. So far, officials are collecting about \$5 million a year -- but University of Tennessee researchers estimate that West Virginia loses about \$50 million a year. Gov. Tomblin backed a bill to beef up collections. We hope it passes, because local merchants are cheated by the current system that forces them to collect sales tax, but lets out-of-state sellers duck the obligation, giving them a 6 percent price advantage.

Medicaid expansion -- Under ObamaCare, state Medicaid could be expanded to cover about 120,000 "working poor" West Virginia families who earn less than 138 percent of the poverty level. Supporters say this would bring \$500 million of federal funds to the state and create 6,000 jobs. It would be a humane step toward assuring that health care is a human right. The state Healthy Kids and Families Coalition is urging legislators to sign a mass letter urging Gov. Tomblin to accept the expansion. Go for it.

Blue law -- Old-time religious strictures, called "blue laws," rapidly are being wiped out around America. West Virginia still has one, forbidding retailers to sell liquor on the Sabbath and forbidding clubs and restaurants to sell drinks during Sunday church hours. The House Judiciary

Committee approved a bill to wipe out this relic. We hope it passes. (Update: HB 2946 was removed from the calendar during its third reading)

Library rescue -- After the state Supreme Court relieved several county school boards of responsibility to aid county libraries -- throwing Kanawha County's library system into peril -- legislators drafted a plan to require all local school boards to divert 1 percent of their budgets for libraries. We hope it passes.

School lunches -- The state Senate passed SB663 to provide free lunches and breakfasts to every public school child in West Virginia - - not just to low-income ones. This seems healthy and reasonable. We hope the House concurs. Nearly all state leaders and educators say it would boost learning, because hungry children can't concentrate in school. Likewise, legislators should mandate more fitness efforts in schools, because obesity also hinders learning.

Medical pot -- "Compassionate" use of marijuana to ease pain of cancer victims and other sufferers would be allowed under HB2230. Why not? Pot is much safer than OxyContin and other painkillers that cause widespread addiction -- yet those pills are legal and pot possession remains a crime. West Virginia should join 18 states that allow medical marijuana." (Update: HB2230 did not pass out of the house)

West Virginia Citizen Action Group
1500 Dixie Street, Charleston 25531



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!