



Capital

Eye

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Our Eye On Wise's State of the State

The State of the State message contained little trinkets for nearly everyone. The governor outlined a number of broad policy goals but left up to the legislature the details that will define the policies. One grizzled lobbyist described the speech as "getting a nice warm hug with only vague prospects of an eventual kiss."

Failing to mention one of the more controversial issues in his speech, Bob wisely realized that *most* of the state doesn't really care about the proposed regional intergalactic airport. A more disturbing omission by the governor was the problem of overweight coal trucks. This non-message was obvious ~ the governor wasn't about to take on the incredible power of coal even though common sense dictates it.

Overweight coal trucks are likely to be the barometer issue of legislative politics this session. It's a no-brainer that since the invention of the internal combustion engine coal, timber and log trucks have traveled grossly overloaded on the state's roads. The results has been torn-up pavement, fatal accidents and a scoffing at existing laws. We are a state that often passes laws but very rarely enforces them. Coal's answer to the problem is to increase the weight limits -- employing the same logic as a drunk who clamors to raise the alcohol blood level so he can drive sober.

Seven delegates led by Mike Caputo, Carrie Webster and Don Perdue have introduced HB 4014, modeled after a Minnesota law which significantly increases fines for overloaded trucks and makes the purchaser of the coal also liable for the crime. This issue will be a classic confrontation between the power of coal and reasoned logic and safety.

Just today (Friday) we learned that the governor is supporting the coal industry's position. His position that the issue needs more study is extremely disappointing.

"The price of greatness is responsibility." Winston Churchill

Tame the Trucking

by Julie Archer

Undoubtedly, one of the hottest issues of this legislative session will be weight limits and tougher weight enforcement laws for coal trucks. At a press conference on Tuesday, Delegate Mike Caputo (D-Marion), introduced his proposal which would hold shippers liable for overweight trucks, in addition to the owner or lessee of the truck. Under Caputo's legislation the current weight limits would be maintained, but the fines for violating the law would be increased substantially. Receivers, such as power plants and coal docks, will have three days to notify the Division of Highways Enforcement Division of overweight shipments. If the receiver fails to comply with the notification requirement, they would also be penalized. In addition, the bill will allow law enforcement officials to examine shippers' records on demand without a subpoena.

We support Delegate Caputo's bill and are encouraged by the spectrum of other organizations that are backing the bill. However, the coal industry has already stated that they would like to see the current weight limit doubled. Governor Wise said that he avoided talking about the issue during his State of the State address because he thinks everyone needs to give it some more thought. In recent months there have been numerous accidents on Route 3 and Route 94 in Kanawha and Wayne counties. Many of these accidents have resulted in death or serious injury, while others have caused property damage to the homes of coalfield residents. Even when they avoid accidents, these behemoths crush pavement costing West Virginia taxpayers millions of dollars for road repairs. This death and destruction must be stopped, and now is the time for our elected officials to take action that protects West Virginians and their communities.

With an industry bill rumored to be lurking under the gold dome, it's not too early to call your Legislators and Governor Wise. Tell them to put the safety and quality of life of West Virginians before increased profits for the coal industry and the trucking companies that haul the coal, and support HB 4014. Until they take action our roads remain unsafe and we continue to subsidize coal by paying to repair roads damaged by overweight coal trucks. With any luck and a ground swell of public pressure and outrage this may be the year that a long overdue solution gets more than lip service at the Capitol.

"Nothing in life just happens. You have to have the stamina to meet the obstacles and overcome them." Golda Meir

Who's The Lobby Team?

Here's a look at WV-CAG's 2002 lobby team that will track bills, lobby legislators and look out for anti-environment and consumer-unfriendly bills:

Norm Steenstra (Executive Director) has evenly split the last 26 years between working in the coal industry and for WV-CAG. His passions include the environment, history and cars that reliably operate.

Linda Mallet (Program Manager) has worked at WV-CAG for four years on a variety of issues including a WV bottle bill and election reform. This session, after three years as editor of the WV Environmental Council's newsletter, she's excited about the chance to put together the *Eye*. She has resurrected WV-CAG's quarterly newsletter and hopes this weekly update during the session will give our members a better idea of what we do around here and maybe a smile or two.

Mel Tyree (Staff Scientist) was born and raised in Cabell County, earned a bachelor's degree from Marshall in 1980 with majors in geology and anthropology, and later returned to Marshall to complete course work for majors in biology and education (including a teaching certification in biology and general science).

He most recently worked with the WVDEP's Solid Waste Management Section (SWMS) as a geologist. He resigned his position on December 28 because he felt that the agency's policy of cutting costs by allowing staff size to shrink too low due to attrition was resulting in the public and the environment not being properly served. On January 3, 2002 he began working at CAG and is presently doing research for a future WV Bottle Bill.

His areas of interest include solid waste source reduction, beneficial use or reuse of solid wastes, public education regarding the global impacts of consumerism and over-consumption (possibly the greatest environmental and sociological threat the 21st century world faces), and the subsequent need for sustainable growth.

Next week we'll feature Julie Archer and Gary Zuckett.

Announcements/Dates To Know

Eye can only improve with your input! Do you want to receive this newsletter by e-mail or by hard copy? To help you decide, for our first issue, we are sending everyone a hard copy and an e-copy (if we have your e-mail address). Look them both over and let us know which you want. To stick with the on-line copy, do nothing and starting next week we'll send you an e-copy only. If you didn't get an e-mail version but would like to, drop me an e-mail at linda@wvcag.org. Or, if you're one of those folks who prefers a paper copy, let us know that, too, and we'll be happy to oblige.

On-line readers should have the newsletter in their e-boxes by 7PM on Friday evenings. Most paper readers should have their copy on Saturday. So you can either save a tree and save some postage, or save some electrons. Let us know!

Mark Your Calendar

Friday, February 22
E-Day!

Come to the Capitol for the West Virginia Environmental Council's annual E-Day! Visit tables and displays from environmental groups from around the state. Lobby your legislators. Come to the fun-raiser that evening. We'll keep you posted as details gel.

Tuesday, February 26
30th Anniversary of the Buffalo Creek Disaster

Overweight coal trucks rule the roads and we don't know where that issue will be by February 26. But we will take time to mark the 30th Anniversary of one of coal's biggest legacies to this state. Join WV-CAG, Citizen River Mountain Watch, the West Virginia Environmental Council and other organizations at the Capitol. More details to follow.....

March 9 - End of the Session Party at WV-CAG (yes, we've already thought about it!) **and** it's Norm's birthday. He turns LI.

Well, how do you like *Eye* so far? If you like what you see, please help us out with a contribution. It's easy on line at www.wvcag.org or clip this and send in (see address on back page).

Name: _____

Address: _____

Here's my donation of \$ _____

This Week's Apathy Antidotes:

Let yourself be heard this session! Call your legislators and let them know you care about the issues and that you are holding them accountable. Here's how:

www.legis.state.wv.us or 1-877-56-LEGIS (1-877-565-3447)

or write:

The Honorable (member's name)
Member, WV Senate/House of Delegates
State Capitol Complex
Charleston, WV 25305

You can call Governor Wise at 304-558-2000.

Container Bill Common Cents

According to a Franklin Associates study of New York's bottle bill, a total of 11.5 trillion BTUs or the equivalent of 2 million barrels of oil **are saved annually** as a result of that state's bottle bill.

Recent updates to Massachusetts' bottle bill saves that state between \$18 and 24 million from reduced public health costs by the reduction in pollutants emitted by the conservation of virgin material not produced in the manufacture of beverage containers (source: Massachusetts PIRG).

WV-CAG is looking for people interested in being part of a multi-year campaign to pass a container law for West Virginia. Please contact Linda at 346-5891 or linda@wvcag.org.

What's the Buzz?

by Phanny High There! - Our Eye on Gossip

One thing to watch for early in the session is the political future of Speaker Bob Kiss. Rumors abound that Kiss is considering not running again for his Raleigh County house seat. If he chooses not to run again, the whole second half of the legislative session will be influenced by his lame duckness and the whole future of next year's House will be in question.

On another note, fundraising season is in full swing. Senator Brooks McCabe (D-Kanawha) has escalated the fundraising bar to new levels. Lobbyists and guests were invited to his fundraiser last Monday where the suggested minimum donation was \$250. I haven't seen this absence of tact since my niece's wedding where the family was told to give a gift of at least \$100 to pay for the cost of the reception. Needless to say, no CAG lobbyists attended Senator McCabe's event.

Here's something to think about: which pro-coal legislator do you think will have the lack of conscience to introduce the inevitable bill to raise the legal weight on coal trucks? I thought about it but just couldn't decide which one it might be. What's your prediction?

A new rumor circulating among the politicians is that former Governor Cecil "Technology" Underwood is seriously considering running for the state senate against CAG-endorsed John Mitchell (D-Kanawha). The real test of Underwood's intentions will be if he can stay awake until the midnight filing deadline.

Veteran Senator Bill Sharpe (D-Lewis) was recently explaining his health problems and the possible need for a heart transplant. A fellow senator quipped, "Bill, make sure you get a conservative's heart because it's likely it hasn't been used."

The state senate will be debating mental health parity this session. The outlook is dismal because last year the senate leadership thought it was mental health *clarity* and defeated the measure.

Finally, rumor has it that the WV-CAG board has given Steenstra and Editor Mallet four weeks to make Eye pay for itself. Therefore, if you have any comments write them on a \$20 and send them in!!

West Virginia Citizen Action Group (WV-CAG) publishes Capital Eye during the Legislative Session. You can visit our website at www.wvcag.org, call us at 304-346-5891 or e-mail us at linda@wvcag.org to give us your comments and suggestions and to become a member. Since 1974, WV-CAG has been a nonprofit membership organization dedicated to increasing citizen participation in economic and political decision-making. By educating people about key public interest issues and involving them in the decisions that affect their lives, WV-CAG works for progressive changes in federal, state and local policies - ranging from environmental protection and consumer rights to good government and health care reform. Thank you for your support!

CAG Endorses Resolution Calling for Universal Health Care

House Concurrent Resolution 99 (HCR99), now in the US Congress, is designed to be the opening salvo of a new push for health care for all. HCR99 states that "Congress shall enact legislation by October 2004 to guarantee that every person in the United States, regardless of income, age, employment or health status, has access to health care...". The resolution goes on to list parameters necessary to the enactment of truly Universal Health Care in our nation.

WV-CAG is proud to be one of the first official WV endorsers of HCR99. We are seeking additional organizations that want to stand up and be counted as endorsers of health care for all. Contact garyz@wvcag.org or call the office to find out more about local efforts to promote health care justice and the WV Universal Health Care Coalition. For more info on HCR99 see www.uhcan.org/HCAR.

Realism and Arrogance

by Norm Steenstra

I heard on NPR that polls show that since September 11th, Americans' trust in government is high yet doesn't necessarily translate into civic involvement. Indeed, in the few elections held since the terrorist attack, voting turnout is down significantly. This is a dangerous time for a democracy when citizens blindly trust but decline to participate. As we report to you about the legislative session over the next 8 weeks, we need to balance our cynicism with subtle inspirations that CAG, its members and concerned folks across the state can make a difference. Otherwise, all we really are is a bunch of whining do-gooders.

In my 13 years of lobbying at the Capitol I can't recall ever really beating the coal industry on a major issue. We've come close several times, and stymied some of their initiatives, but the power of coal over our political system cannot be exaggerated. So how is one supposed to feel when perhaps the biggest consumer issue this year involves a frontal assault on king coal? Realistic and arrogant is my answer. The realism comes because of the appreciation of coal's power, and arrogance because I know that we are right to oppose that power. After reading this first issue of *Eye*, my guess is that you're already a little saturated with the coal truck issue. Stick with us. This issue involves not only your tax dollars and your highway safety but also, most importantly, this issue is our opportunity to continue the efforts to tame West Virginia's biggest political bully.