



Capital Eye

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W Visit Starts the Week that Wuz

by Norm Steenstra

The current resident of the White House visited the Capital City this week and promoted both coal and **Capito**. No surprises, however, that Congresswoman Shelley Moore **Capito** gets CAG's "Evil Eye of the Week" for her continued refusal to support campaign finance reform. Names get confusing because if we were to praise one lawmaker this week it would be Mike **Caputo** (D-Marion) for his on-going leadership on the coal truck issue. Mike is a coal miner living in the coalfields and protecting his friends and neighbors. Shelley, daughter of disgraced former Governor Arch Moore, is the wife of a wealthy doctor from Charleston. Like Mike **Caputo**, **Capito** was protecting her friends and neighbors when she refused to sign on to the bill. So to **Caputo**, a "Capital Eye-Five" and to **Capito**, the "Evil Eye."

We're certain that you think the *Capital Eye* is the best way to follow the Legislative Session but recommend that you augment your legislative experience by tuning in to West Virginia Public Radio from 4:30 to 5:00 each weekday afternoon. It's our experience that WVPR provides the session's most in-depth coverage.

Also, consider logging on to the *Charleston Gazette* website, www.wvgazette.com, this Sunday to catch the upcoming series on the West Virginia Freedom of Information Act. The series will detail the strengths and omissions of this Act, one that is so important for an informed citizenry. Also, Saturday at midnight is the last day candidates may file for office. Next week we'll include an overview of the 2002 election.



Content Capital Eye Reader

WV-CAG Joins Lawsuit

WV-CAG has signed on with the Ohio Valley Environmental Coalition, West Virginia Rivers Coalition and 22 other environmental organizations and citizens in a lawsuit against the US EPA over a water quality policy that is supposed to keep West Virginia's high quality rivers and streams from being unnecessarily polluted.

The complaint alleges that EPA approved an illegal anti-degradation implementation plan for West Virginia. The plan, passed by the state legislature in 2001, was approved by the Bush EPA in November.

An anti-degradation policy says that before a polluter gets permission from the state to pollute high quality waters, the state must conduct a thorough and open public review of the project to assure that the social and economic benefits of allowing water pollution outweigh the social and economic costs of that pollution. However, West Virginia's policy is full of exemptions and weak provisions.

Additionally, all existing dischargers in the state are **exempt** from review, unless they significantly expand. Certain classes of activities are exempt, such as **valley fills** from large mountaintop removal operations. Some of West Virginia's high quality trout streams are exempt for certain types of pollutants.

West Virginia's environmental community participated in 18 months of good-faith negotiations before the state's Environmental Quality Board (EQB), which promulgates water quality standards. The EQB wrote a weak anti-degradation implementation policy for the state Legislature. After late-night, backroom negotiations with industry, the state Department of Environmental Protection crafted an even weaker policy, which the Legislature passed. Several months later, the Bush EPA gave its unconditional approval of the policy, prompting this lawsuit.

You Know You're Naïve When:

* You read that the state DEP is happy about a mountaintop removal mining decision by the U.S. Supreme Court and you think the ruling must have been GOOD for the environment.

* You assume that Governor Wise would want to protect West Virginians from overweight coal trucks.

* You think George II's staff would have done some research on the number of mining jobs LOST due to machinery before scheduling a campaign stop at Walker Machinery to tout more new coal jobs.

Dates To Note

February 14 - Rally and candlelight vigil at the Capitol to support H.B. 4014 and remember the victims of overweight coal truck accidents. Time to be announced.

February 22 - E-Day! at the Capitol. Visit tables and displays from environmental groups from around the state. Lobby your legislators. Come to the fun-raiser that evening.

March 9 - End of the Session Party at WV-CAG.

April 26 - WV-CAG Annual Fundraiser at Coonskin Park. Remember last year's auction? Please start thinking of unique items and conversation pieces to donate for this year's fun.

May 24 - Dr. Kevin Danaher with the Global Exchange speaks about the global economy at Charleston's Unitarian Universalist Church. 7:30 PM. To find out more call us at 346-5891.

Bush Bytes - Lest We Forget

If you can stomach it, we'll try each week to note a couple of George II's accomplishments so far. Here are some to ponder:

OK'd Interior Department appointee Gale Norton to send out letters to state officials soliciting suggestions for opening up national monuments for oil and gas drilling, coal mining, and foresting.

Rescinded a proposal to increase public access to info about the potential consequences resulting from chemical plant accidents.

Cut a program that provided prescription contraceptive coverage for federal employees (though it still pays for Viagra).

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: Can you believe we are already three weeks into the session? We :
: could use your help as we gear up for the fun ahead! Remember, it's :
: easy to donate on-line at www.wvcag.org. Or clip and snail mail to 1500 :
: Dixie St., Charleston, WV 25311: :
:

Name: _____

Address: _____

Here's my donation of \$ _____

Rally Date Moved Up

Gather at the Capitol on a new date, February 14, to show your concern and tell the Legislature and Governor you expect them to take action this session on the overweight coal trucks problem. Come lobby, listen to speakers and attend a candlelight remembrance vigil.

Meanwhile, rumor has it that the House Judiciary Committee will be **taking up HB 4014 in a week to ten days**. The following committee members need to hear from their constituents: Jon Amores, Chairman (D-Kanawha), 340-3252; Dale Manuel, Vice-Chair (D-Jefferson), 340-3248; Roy Givens (D-Brooke, Ohio), 340-3161; John Pino (D-Fayette, Greenbrier, Kanawha, Nicholas, Raleigh), 340-3114; Sharon Spencer (D-Kanawha), 340-3287; Tim Armstead (R-Kanawha), 340-3124; Robert Schadler (R-Mineral), 340-3191; Jody Smirl (R-Cabell, Wayne), 340-3147; Rusty Webb (R-Kanawha), 340-3180; Joe Smith (D-Kanawha), 340-3396. Delegates can also be reached toll free at 1-877-565-3447.

Ask them to please support HB 4014. Tell them you want to see tougher weight enforcement and increased fines for overweight trucks. Tell them it's time to hold coal companies liable, not just truck owners. Tell them they can't let another legislative session end without taking action to address the problem with overweight trucks.

Governor Wise needs to continue to hear from us as well. Call (304) 558-2000 or toll free at 1-888-436-2731 and ask to speak with his Chief of Staff or assistant on transportation issues. Tell them the legal weight limit on trucks must not be raised. Say that you want the Governor to work with the Legislature to take action to address the problem of overweight trucks, action that protects both West Virginia's citizens and its roads. **Friday News Flash: The WV State Troopers' Association has joined our coalition to support HB 4014!**

Coal Forms New Coalition

The following is a thinly veiled satire of the type of logic we hear daily from Coal and some politicians. We mean no disrespect for the victims and victims yet to come.

Just when you think you've seen it all, Coal comes up with a new argument for protecting its lock on state politics. Faced with opinion polls that show 70% of the state's voters favor increased enforcement of overweight coal trucks, King Coal is sponsoring a coalition to support the raising of the legal weights. The rationale for the new group is that while an occasional accident is to be regretted, except for the people directly effected – accidents means jobs. The coalition is made up of funeral directors, medical supply companies, new truck dealers, paving contractors and the West Virginia Fraternity of tow truckers. Fiery Accidents Nurture Growth (FANG) spokesperson I.M. Morbid asked,

“How would you feel if you had to go to Kentucky to get a decent funeral? We need to halt the exodus from our state of these industries that are bound to feel the pressure if our roads get safer.”

State EIC: Idea Whose Time Has Come

by Gary Zuckett

“West Virginia is a poor state. But it isn’t so poor that it needs to shake down its most underprivileged residents,” stated a *Charleston Gazette* editorial last March. It discussed a bill to give poverty-wage families relief from a state income tax that takes money out of their pockets even as the federal government is giving some back. The bill failed to pass.

This year two bills, HB 4074 & SB 251, have been introduced to make our income tax fairer to low-income taxpayers. Both would link a new state EIC (Earned Income Credit) to a percentage of a taxpayer’s federal EIC. The House version is more generous at 20% as compared to the Senate’s 15%.

This needed relief is noted in a new study by the Center on Budget and Policy Priorities (<http://www.cbpp.org>). Nick Johnson, lead author of the report, entitled *The Rising Regressivity of State Taxes*, comments, “State policymakers need to understand that there are ways they can raise revenue without forcing poor families to bear most of the burden.”

As the *Gazette* noted, “A Mountain State family of three supported by a minimum-wage (*note: below-poverty*) job pays \$143 in state income taxes - **the third-highest in the country**, according to a report by the Center on Budget and Policy Priorities. Those at the federal poverty level pay \$233 in state income taxes, the fifth-highest amount.”

It’s embarrassing that a state as rich in natural resources as West Virginia socks it to low income families while cutting severance taxes on coal and timber in the past several years, not to mention all the other “tax breaks” doled out to wealthy corporations every session.

However well intentioned, these new bills will likely suffer the fate of past years. Why? Because the sponsors declined to do the unthinkable – raise someone else’s taxes to pay for the lost revenue. A fraction of a percentage increase in the top income tax bracket would render the bills “revenue neutral” making up the difference in collections. West Virginia’s top tax bracket has been substantially reduced several times in the past fifteen years.

It’s time to make our state income tax more progressive. Contact your legislators and tell them to support HB 4074 & SB 251 and how to pay for it.

This Week's Apathy Antidotes:

Call Governor Wise at 558-2000 or 1-888-436-2731 and ask him to support HB 4014 or e-mail him at governor@wv.gov. E-mail or tell him it's time to protect West Virginians from overweight coal trucks and to support Delegate Caputo's bill.

Black Eye of the Week: For Congresswoman Capito's failure to sign the discharge position to force the Shays-Meehan campaign finance reform bill to the House floor for a vote. Call her at 202-225-2711 and ask her to support the bill when it comes to the House floor.

When you toss out one aluminum can you waste as much energy as if you'd filled the same can half full of gasoline and poured it onto the ground.

- From 50 Simple Things You Can Do To Save The Earth

Container Cents

Container recycling is both more cost effective and more efficient in bottle bill states according to a January 16, 2002 study titled *Understanding Beverage Container Recycling: A Value Chain Assessment* conducted by Businesses and Environmentalists Allied for Recycling. This report, initiated by a variety of stakeholders who have had historically differing positions on container laws (including: The Container Recycling Institute, Coca-Cola, Waste Management and Tomra North America), provides extensive statistics on the increased efficiency of deposit/return programs over curbside recycling and drop-off collection.

Ø The study concluded that "states with a 5-10 cent deposit recover 61.6% of all beverage containers targeted, and recover 125 containers per dollar spent. Curbside programs recover 18.5% of all beverage containers targeted, and recover 58 containers per dollar spent."

Ø "Deposit states, representing only 29% of the total U.S. population, recycled 40 billion beverage containers in 1999 as opposed to 38 billion recycled in the non-deposit states, representing 71% of the total U.S. population."

Source: *The Container Recycling Institute, www.Container-Recycling.org*

What's the Buzz?

by Phanny High There! Our Eye On Gossip

It looks like a real cat fight is shaping up between feline admirers and tabbyphobes over amendments to a bill that would require the registration of cats. In a classic example of special interest maneuvering, the issue has more claws than a North Pole zip code. The Farm Bureau is proposing a "farm use" amendment that would exclude working cats from the new tax. "The WV agriculture community cannot take one more punitive measure and still do the noble work of feeding our troops in Afghanistan," said spokesperson F. Armer Greenjeans. "These are patriotic working cats and actually we should get a tax credit because of their commitment to ridding the state of creepy rodents," he added.

The Greater Green Creek Audubon Society proposes a provision that would require felines to be belled from head to toe. "We're taking this all the way to Washington and Senator Byrd," said Society president Robin Warbler. "It's so typical of those tuna-crazed cat lovers," echoed Belle Bell Manufacturing manager Ring Louder. "Bells don't kill birds – cats do!" Louder is pushing an amendment that would require at least one WV-made bell per registered cat. The American Cat Liberty Union (ACLU) is demanding the defeat of the bill citing more pressing state problems. "Look, we really don't bother anybody and the state's going to the dogs," said ACLU director Gar Field.

The only sane voice to emerge in this debate was that of WV-CAG President and Veterinarian Dr. Bob Marshall who stated, "What we ought to do is pass legislation to support pet population control through low-income spay-neuter programs and public education rather than add another layer of taxes to already overburdened West Virginia pet owners."



I realize I just spend my whole column on cat registration but this is really a true representation of how things happen at the Capitol and the type of debate our elected leaders are often mired in. Thank goodness for people like Bob Marshall.

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!