



Capital Eye

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Legislature Oozes Into Final 2 Weeks

By the time you read this, the 2002 Legislative Session will be into its final two weeks. As many of you know, this is when hundreds of bills die and hundreds of others are passed in a flurry of late night meetings. By the end of next week, all bills must have passed out of their originating house so that in the final week of the session each body considers the other's work. We will be following scores of bills and resolutions next week but thought you might like a recap of the dozen most important bills to WV-CAG. The following gives you our name for the bill, where it's located (H=House, S=Senate), our prognosis and our commentary. Please look throughout this issue for further in-depth commentary on many of these bills.

- ✓ *Ins. Tort Reform/H/Likely to Pass/Pro-insurance, anti-consumer*
- ✓ *Overweight Trucks/H/Up to Amores/Difficult for Legislature not to act on this one*
- ✓ *Hate Crimes/H/Stuck in Judiciary/Powerful opposition by Christian Right*
- ✓ *Woman's Right to Know/S/Expected to pass/Powerful support by Christian Right*
- ✓ *All Terrain Vehicles/H/Likely to pass/Weakened to almost being meaningless*
- ✓ *Stronger Timber Regulations/H & S/Not likely to pass/Great idea*
- ✓ *Mental Health Parity/S/Decent chance of passage/Pro-consumer*
- ✓ *Clean Elections/H & S/Not likely to pass this year/Time soon to come*
- ✓ *Bottle Bill Resolution/S/Not likely to pass/Groundwork for 2003*
- ✓ *Motel & Hotel tax/S/So-so chance/Powerful forces on both sides*
- ✓ *Racial Profiling/S/So-so chance/Good idea that might survive 9/11 hysteria*

Definition of the Week: BANANA - acronym for "Build Absolutely Nothing Anywhere Near Anything." A term developed in reaction to sprawl and over-development. From Dictionary of the Future.

Jon Amores: Man of the Final Hour

Next week, House Judiciary Chairman Jon Amores (D-Kanawha) will determine if meaningful coal truck legislation will be enacted this session. Amores, a Charleston lawyer, has traditionally favored extractive industries during his 10-year legislative career. Make no mistake. Regardless of your position on overweight trucks, Chairman Amores will be the deciding factor on whether a bill passes and how strong or coal-friendly it will be. Committee chairs have tremendous power to set agendas and contents of legislation. We may hear a lot of wiggle words as excuses on this issue but Jon Amores is the man who will choose between public safety or coal's continued illegal activity.

Amores has repeatedly stated that he will not take up the bill unless a compromise was in the works. It's a sad commentary on our political system that compromise with admitted lawbreakers is even considered.

Leaders need to lead. Here is a time when the right thing to do rises above political considerations. Write Delegate Amores at 914 Chester Rd., Charleston, WV 25302 or call his office at 340-3252.



“Nothing is illegal if a hundred businessmen decide to do it.”
Andrew Young

Still Hope For Mental Health Parity

Supporters of the Mental Health Parity Bill (HB 4039 and SB 205) are hoping the Senate Insurance subcommittee will release the bill so it can make its way over to Finance. Action on the House version is waiting on the outcome in the Senate. Contact subcommittee members Craigo, Fanning, and Kessler (chair) and ask them to move the bill. You can call the Senate Finance Office at 357-7980 and leave a message.

Then There Were Two

by Julie Archer

The House Judiciary Subcommittee on Coal Truck Legislation has passed two bills to the full committee. Delegate Caputo's bill, HB 4014, was amended to apply only to coal trucks and maintains current weight limits. The new version also contains a section that cites damage to roads and bridges and public safety as reasons to legally mandate a special enforcement program for coal trucks. A WV-CAG review of overweight violations issued over the last five months revealed that 50% were issued to coal trucks.

The committee also passed a modified version of the industry bill, HB 4529, that was introduced earlier this week by Delegates Steve Kominar (D-Mingo) and Eustace Frederick (D-Mercer). Kominar, who has ties to the trucking industry, received nearly \$12,000 in campaign contributions from the coal industry in 2000, according to the WV-Peoples' Election Reform Coalition. The bill originally allowed natural resource haulers to obtain permits to haul up to 132,000 pounds but the subcommittee amended it to temporarily raise the weight limit to 120,000 and gradually return to current weight limits by 2006. It calls for reduced speed limits, semi-annual inspections, would require loads to be covered with a tarp, and also requires the highway commissioner to study the impact coal trucks are having on our roads and bridges.

Ruth Cooper, whose daughter, son-in-law and two granddaughters were killed by a coal truck in 1990, said, "This is not the best we can do. If we raise limits for two or four years, they'll never be lowered. Within six months there'll be another bad wreck and another family killed."

Although the committee sought a compromise by providing Coal with a temporary weight increase to give it time to come into compliance, Coal continues to push for a 132,000 pound limit. WV-CAG research shows that 62% of coal trucks issued citations were carrying in excess of 132,000 pounds, with an average weight of 158,767 pounds.

Thursday's front-page story in the *Charleston Daily Mail* described a coal truck accident on Paint Creek Road in Kanawha County. With paper in hand, Delegate Caputo in an impassioned speech on the House floor said, "This issue is all about public safety, not economics. Who are we here to represent, our communities or big coal?"

House Judiciary Chairman Jon Amores (D-Kanawha), who previously stated, "Any bill increasing enforcement would also have to raise weight limits to keep from putting haulers out of business," has said his committee is not likely to run anything unless stakeholders come to a compromise. We need to keep the pressure on Amores to put HB 4014 before the full committee (see page 2). Also please keep calls coming to members of both the House Judiciary and House Finance committees.

Clean Elections Act Introduced

by Julie Archer

The West Virginia Clean Elections Act was introduced this week in both the House and the Senate. The act would establish an optional system of public funding for qualified candidates who agree to forego all private donations and abide by spending limits. HB 4532 is sponsored by Delegates Susan Hubbard (D-Cabell), Mary Pearl Compton (D-Monroe), Charlene Marshall (D-Monongalia), Tracy Dempsey (D-Lincoln), Randy White (D-Webster) and Don Perdue (D-Wayne). The Senate version, SB 654, was introduced by Senators Mark Burnette (D-Greenbrier), Jon Hunter (D-Monongalia), John Mitchell (D-Kanawha), Larry Rowe (D-Kanawha) and Mike Oliverio (D-Monongalia).

This “clean money” option provides an alternative to the special interest funding of campaigns and has already made a difference in Maine and Arizona. In 2000, one-third of Maine’s state legislature was elected without accepting any contributions from special interests. Half the Senate and 30% of the House won using the Clean Elections system. In races that pitted Clean Elections candidates against privately funded opponents, Clean Elections candidates won 53% of the time. Overall, private campaign spending in Maine was cut in half. In Arizona, 16 Clean Elections candidates were elected. Twelve are serving in the Arizona House, two are serving in the Senate and two were elected to the state’s Corporation Commission. Private funds to Arizona’s legislative races were down nine percent. In both states there were fewer uncontested races and more candidates running for office.¹

Legislative and gubernatorial candidates who choose to run as Clean Elections candidates must collect a set number of \$5 contributions from voters in their district and agree to raise no private money for their campaign and spend none of their own. Qualified candidates would receive a set amount of campaign funding and be eligible to receive dollar-for-dollar matching funds when outspent by a privately funded opponent.

The West Virginia Clean Elections Act will help level the playing field and counter the influence of special interest contributions. Call your legislators and tell them you want big money out of our political process. Tell them you support the Clean Elections system and ask them to do the same. If your delegate or senator is a sponsor of the Clean Elections Act please call and thank them.

¹source: *The Road to Clean Elections*, a publication of Public Campaign (www.publiccampaign.org)

Hate Crimes Press Conference

“The outrage & hostility coming out in the debate over this bill demonstrates the need for it,” commented Susan Sobkoviak with the WV Chapter of the National Association of Social Workers at a Thursday press event at the capitol. HB 4464 sponsors also spoke to the crowd of supporters imploring Judiciary Chair Jon Amores to bring the bill up for a vote. The Senate has passed this bill (adding disability and sexual orientation to the existing law) the past two years only to be “left hanging” by House inaction. This time the House will have to take the lead on it before the Senate takes it up.

James Casey, with the WV Trial Lawyers Association, informed the audience his organization was firmly in favor of this expansion of hate crimes legislation. “In 1998 there were 7800 hate crimes in this country. That is one per hour. Hate crimes are a national disgrace,” Casey said. Among the other groups who spoke in support of the bill were the WV Coalition Against Domestic Violence, WV NOW, the WV Gay and Lesbian Rights Coalition, and the Fair Shake Network – a disabilities rights group.

Three conservative preachers stood on the sidelines with signs opposing HB 4464 Their comments to the media again underscored the need for this bill.

13th Annual E-Day Takes Place

The West Virginia Environmental Council (WVEC) held its 13th annual E-Day! at the Capitol today. Keynote speaker newspaper columnist Dave Peyton rallied the crowd by stating, “We’re (environmentalists) not the problem, we’re the balance.” Later Peyton said, in response to being called extremists, “Talk about extremists, the coal people are the extremists.”

In a very touching ceremony the annual WVEC Mother Jones award was accepted by Mike Forman on behalf of his late wife Laura. Laura, an organizer for the Ohio Valley Environmental Coalition, died last December while leading a rally protesting mountaintop removal. Her death has left a tremendous void within the environmental community and it was with bittersweet emotion that the WVEC presented her with this year’s honor posthumously.

The WVEC E-Day! is perhaps the longest continual citizen event held at the Capitol during the Legislative Session and attracts groups and attendees from across the state. **For more information about the WVEC, please visit www.wvecouncil.org.**

This Week's Apathy Antidotes:

It's the final two weeks so pick up that phone or send that e-mail. Now is the time to let your legislators know how YOU, the voter, feel about the issues they are considering. Here's how to contact them:

Call your **Senators or Delegates toll-free at 1-877-565-3447.**

Write them at: The Honorable (member's name), WV Senate/
House of Delegates, Bldg. 1, State Capitol, Charleston, WV 25305.

Or you can **send an e-mail to cglagola@mail.wvnet.edu** (be sure to write your Delegate's or Senator's name in the subject line).

Contact Governor Wise at 558-2000 or 1-888-438-2731 (toll-free) or e-mail him at governor@wvgov.org.

Container Cents

Container deposit laws increase the rate of reuse and recycling (container recovery rate) by providing an economic incentive for the consumer. The greater the container recovery rate the greater the total quantity of contaminant emissions avoided from the mineral extraction and processing of materials for new containers. Recycling and reuse reduces the need for virgin aluminum, glass and plastic, thus reducing environmental emissions of several air and waterborne contaminants. Assuming a conservative 50% container recovery rate resulting from a West Virginia container law, the following contaminant emissions could be avoided on an annual basis:

Ø Air Emissions: Total Particulates (116 tons), Nitrogen Oxides (105 tons), Sulfur Oxides (224 tons), and Carbon Monoxide (122 tons).

Ø Waterborne Emissions: Dissolved Solids (118 tons), Suspended Solids (21 tons), Chemical Oxygen Demand (5 tons) and Oil (2 tons).

Sources: *Characterization of Municipal Solid Waste in the United States: 1996 Update*, USEPA, 1996; *Understanding Beverage Container Recycling: A Value Chain Assessment*, by Businesses and Environmentalists Allied for Recycling, 2002.

The final two weeks are our busiest of the session! Please consider sending us a donation or renewing your membership today!

___ \$25

___ \$50

___ \$100

___ \$250

\$_____ Other

Name: _____

Address: _____

e-mail: _____

Please clip and send to WV-CAG, 1500 Dixie St., Charleston, WV 25311

What's the Buzz?

by Phanny High There! Our Eye On Gossip

This has been a climactic week for this year's hottest issue. Delegate Caputo amended HB 4014 so that it affects only coal trucks, not others that haul on our roadways.

For his reaction, I went to Charley Overhaul, President of Coal Drivers for the Economy. Speaking of Caputo's bill he said, "That's nothing short of cargo-profiling. You damn liberals. If racial profiling is wrong, then so is this. How can the legislature target just one group of haulers for stricter enforcement? It's unfair. Overweight milk trucks and Pepsi trucks are dangerous, too!" Mr. Overhaul is in support of increasing weight limits, however, and told me, "My members purchased their vehicles under the notion that they'd be able to follow in a tradition of overweight coal trucks that have skirted the law for years. For over 50 years our weight loads have grown right along with technology. Now, all of a sudden, we're supposed to obey the law? We need to increase the legal load so my members will finally be able to run less illegal. We keep the lights on, we should be able to keep the load on, too."

It's late Friday afternoon and I just got back from the Capitol. The rumor is that House Judiciary Chairman Jon Amores is considering meeting next week with coalfield residents but not any of the veteran lobbyists from the United Mine Workers, the West Virginia Trial Lawyers and WV-CAG. Is Jon trying to divide and conquer or what?

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!