



# Capital

# Eye

Volume 1, Issue 8

March 1, 2002

## Bills of Note: Good, Bad and Dead

With one week to go, **here's the status of some of the bills we're following.** This is not a complete list and even as we write this on Friday afternoon, new bills are mysteriously appearing out of committees and are greased for passage.

### Bills Now In the Senate

- ↓ Insurance Tort Reform
- ↑ Clean Elections Resolution
- ↑ Bottle Bill Resolution
- ↑ Mental Health Parity

### Bills Now In the House

- ↑ Farmland Preservation
- ↓ Women's Right To Know
- ↑ Hemp Legalization
- ↓ Stop Citizens Suing Gov't.

### Dead Bills as of 3/1/02 at 2:30 PM

- ↑ Strong Timber Regulations
- ↑ Hate Crimes
- All Terrain Vehicle Regulations (better off dead since doesn't address problems)
- ↑ Overweight Coal Trucks

### Others

- ↑ Racial Profiling - passed both Houses and sent to governor
- ↑ Hotel/Motel Tax - likely to die tonight

A **very terrible bill (SB 667)** ↓↓↓ is quickly and quietly making its way through the session. We're calling it the "Keep Citizens From Suing Government" bill. It is designed to stop suits against the legislature and the DEP by making groups pay attorney fees and court costs if they lose in court. Such a law would probably have prohibited suits like mountaintop removal, Budget Digest and the pulp mill dioxin issue.

**Watch for action alerts all next week.** This bill must die!!

- ↑ = Cag Supported
- ↓ = Terrible Public Policy

# Eye Thank You

This issue wraps up our experiment of weakly informing you of some of the nonsense and sense that makes up our legislative branch of government. We set out back in January to use the *Eye* as a way to better connect with our friends and members. The whole *Eye* operation actually went quite smoothly and became as much a chore of pleasure as actual work. Much of the success (and efficiency) is the result of editor Linda Mallet's efforts. Linda's wit, editorial skills and occasional outrage were imprinted on each page. Thanks to regular contributors Gary Zuckett and Julie Archer who were in the front lines at the Capitol nearly every day of the session. Behind the scenes kudos are due to Mel Tyree (our science guy) who supplied us with a steady stream of "container facts", some of them based on his original research. Mel, interns Jill Oxley and Aaron Bradley spent their Friday afternoons copying, folding and stamping a zillion copies, and insured we always made our self-imposed 5:00 deadline. When we decided to publish *Eye*, we felt it was important that the majority of our readers get a copy in their Saturday mail. That's why 5:00 was so important.

Truly behind the scenes was Michelle Hogan's proofing every word while balancing her 6-month-old Abigail on her knee. And for those of you who chose the on-line version, cybermaster Don Alexander insured it was there for you each Friday night. The *Eye* was truly a team production and I'm proud of how that team worked this year. Perhaps most importantly, your financial support, kind words and positive feedback contributed to the *Eye's* success. We'll not publish an *Eye* next Friday because that's the most hectic time when all of us need to watch the sausage machine but we will be e-mailing last minute alerts all through next week. If we don't have your e-mail address, please send it to us at [linda@wvcag.org](mailto:linda@wvcag.org). Then, after a few weeks of relative rest and relaxation, we'll begin sending out the *Eye* monthly.

P.S. Other people at the Capitol are reading *Eye*, too. One senator was quite miffed when we failed to list him as one of "CAG's best friends." Another indication of varied readership came when a coal lobbyist described it as the "Pink Eye."

Thanks again for being part of our *Eye-dea*.

*Norm Steenstra*

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](mailto: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](mailto:governor@wvgov.org).**

# Governor, Can You Hear Us?

by Julie Archer

Delegate Caputo's bill to crack down on overweight coal trucks may be dead, but the issue certainly isn't. The issue dominated both the *Charleston Gazette* and talk radio this morning. Twenty-five coal trucks circled the Capitol to protest Caputo's bill, while coalfield residents, union members, environmentalists and 20 legislators gathered inside to ask other legislators and the governor, "Which side are you on?"

About 200 supporters of Caputo's bill gathered outside the governor's office to hear labor leaders and House of Delegates members. Delegate Caputo wrapped-up the rally with an impassioned speech. He referred to the coal trucks outside saying, "They have the right to protest, but they don't have the right to break the law!" He urged Governor Wise to call a special session. Following Caputo's speech he and other legislators led everyone in a march to the House Chambers.

Later, on the House floor, Caputo addressed his colleagues. He told them that he would be asking the governor to call a special session. He said, "the problem will not go away and the citizens will not go away."

## Average 2000 Coal Campaign Contribution

|  |         |
|--|---------|
| House Judiciary (passed Caputo bill)<br>8 members took no coal money | \$758   |
| House Finance (killed Caputo bill)<br>1 member took no coal money    | \$2,898 |

## Dates To Know

**March 9: The Eye Ball** (what else could we have called our End of the Session Party?), WV-CAG, 1500 Dixie St. 10 PM til ???. Join us as we commemorate (commiserate) the last 60 days as the 2002 Session concludes at midnight. We'll have food and drink but if you could bring a munchie or a beverage to share it would be appreciated!

**March 22:** Ohio Valley Environmental Coalition's Annual Tree Hugger's Ball. 9:30 PM at the Calamity Cafe in Huntington. \$5 gets you in and benefits OVEC's Mountaintop Removal Campaign. There'll also be a raffle, cool music and eco stuff to buy. Call 522-0246 for more info.

**April 26:** WV-CAG Earth Day Fundraiser, Coonskin Park Club-house. Don't miss this annual extravaganza that includes great music, delectable food, a fantastic panel of speakers on local issues and, the creme de la creme -- a silent auction you have to see to believe. \$25 gets you dinner, the evening's entertainment and the company of great folks. For tickets, call 346-5891.

# Roller Coaster Truck Ride

*by Norm Steenstra*

The Caputo overweight truck bill is dead. Before it died, though, it stunned everyone, including WV-CAG lobbyists, by getting passed out of the House Judiciary Committee. We say everyone was stunned and that includes coal lobbyists who thought they had the votes to pass their “permit to overload” bill.

Needless to say expectations were high that the entire House would be permitted to vote on the session’s hottest bill. Alas, power politics ruled and coal convinced House Finance Committee Chair Harold Michael (D-Mean) to delay committee consideration. He announced Thursday that the “issue was too complicated” to deal with in the session’s waning moments. This is my 15th session to lobby the WV Legislature and I have never seen a committee do more diligence and hear more opinions than the House Judiciary Committee did before it passed Caputo’s bill.

Last week we challenged House Judiciary Chair Jon Amores to do the right thing and consider the bill. He did so in an even-handed way and, although he voted against the bill, he accepted his loss honorably. But there is no such honor among Harold Michael and Speaker Kiss. Both quickly acquiesced to coal’s pressure and this session will end with no laws directing better enforcement of menacing coal trucks.

So, what’s next? The same thing happened to us ten years ago in the out-of-state garbage battles. As with the coal truck issue, the majority of West Virginians agreed with us. We immediately began a campaign to “encourage” then-Governor Caperton to call a special session to deal with the problem. Increased citizen outrage created the momentum that resulted in a successful special session that ended with the passage of the Comprehensive Solid Waste Act of 1991.

We have tried to insert some fun in to the *Eye* this session but after this week’s events, the entire WV-CAG staff finds very little cuteness or humor in the state of WV legislative and executive branches. Please help us continue the endless pressure, endlessly applied by circulating the enclosed petition. Even if your big issue isn’t coal trucks, the pollution and distortion of our democracy by the unbridled arrogance of coal in our state should motivate you. If not, then just remember every time you fill up your gas tank, several cents in taxes are being paid by you to subsidize coal’s destruction of our bridges and roads.

**“If you’ve got enough money and break the law long enough, just come down to the West Virginia State Legislature and they’ll fix it up for you.”** Delegate Mike Caputo during Tuesday’s House Judiciary Committee Session.

# Hate Crimes Bill Dies In House Judiciary Again This Year

The House Judiciary Committee decided on Wednesday to table HB 4464, a bill that would have broadened the state's definition of a hate crime to include crimes against a person because of his or her sexual orientation or disability. Voting against this motion, and to keep the bill alive, were Delegates Manuel, Webster, Wills, Mahan, Caputo, Fleischauer, Spencer, Schadler, Smith and Amores. If these are your delegates, please call and thank them for trying to expand this law to protect even more West Virginians from hatred and violence.

## Clean Elections Bills Promoted

The WV Clean Election Act (SB 654 & HB 4532) received positive exposure at a press conference on Thursday. One Senate and two House sponsors spoke on the need for public financing of state elections. "I hate begging for money to run a campaign," exclaimed Delegate Mary Pearl Compton, who is running against conservative Senator Leonard Anderson in the Democratic primary in the 10<sup>th</sup> Senate district. "More women can run under this bill. The 'boy' network gives its money to 'boys.' We need to set an example for the rest of the country like Maine and Arizona," Compton added.

Senator Jon Hunter praised this much-needed reform and stumped for two more bills which would limit lobbyists spending on legislators (SB 699) and set up a redistricting commission (SB 418) to take partisan politics out of the design of new political districts every 10 years.

Citizen groups including the WV Environmental Council, WV-CAG, Common Cause, Ohio Valley Environmental Coalition and others thanked the sponsors and explained the bill for the media at the event.

"Can we afford to put public dollars into state elections?" asked WV-CAG's Gary Zuckett. "We can't afford NOT to when we look at all the tax give-aways bestowed every year on special interests such as coal, timber, banks, insurance, and you-name-it. Clean money elections may save the taxpayers money in the long run."

Since today is the deadline for bills to move from their originating house it's not possible for either of these bills to pass this year. However, the Senate Judiciary Committee passed a resolution to "conduct an interim study on campaign finance laws and, in particular, to consider whether the WV Clean Elections Act should be enacted by the WV Legislature." As of 3:40 PM today, this study proposal is stuck in the Senate Rules Committee but a call to Senate President Tomblin could give it a push to the floor.

# Container Cents

by Mel Tyree

Beverage industry arguments used to defeat the passage of bottle bills include: 1) container deposits are inefficient and expensive and 2) deposit laws undermine the effectiveness of curbside recycling programs.

Recent studies which have focused on the efficiency of container recovery rates and the associated cost reductions of recycling in bottle bill states indicate **these arguments lack credibility**. The 2002 Businesses and Environmentalist Allied for Recycling project (which generated a landmark multi-stakeholder recycling report) showed that the cost of recovering beverage containers in deposit states was 1.53 cents versus 1.25 cents in non-deposit states. This quarter cent difference shrinks to insignificance when considering the energy savings and environmental benefits reaped from the increased container recovery seen in bottle bill states. Also bottle bill states recover 490 containers per capita versus 191 containers in non-bottle bill states. Thus deposit laws result in increased recycling efficiency.

As far as the second argument is concerned a far greater threat to curbside recycling programs is the growing trend by the beverage industry in bottling soft drinks in plastic instead of aluminum (which helps finance municipal recycling programs). Most bottle bill states place deposits on all beverage container types (plastic, glass and aluminum) thus making deposit programs more diversified. Lastly, curbside and deposit programs are not mutually exclusive. The two recycling strategies often work together to achieve wider beverage container recovery.

Source: [www.Container-Recycling.org](http://www.Container-Recycling.org) (Container Recycling Institute)

If you've been thinking about joining WV-CAG, renewing your membership or making a donation, **there's still time** to help during the 2002 Legislative Session! Please clip and send to: WV-CAG, 1500 Dixie St., Charleston, WV 25311. We couldn't do it without you! Remember - it's easy to donate on-line at [www.wvcag.org](http://www.wvcag.org)!

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Send me future newsletters on-line at:

Enclosed please find my contribution of: \$ \_\_\_\_\_

# What's the Buzz?

by Phanny High There! Our Eye On Gossip

You may turn to this column for a bit of weekly humor. I usually enjoy my job as the Eye's gossip columnist. But after covering the 2002 Legislative Session for the past two months, I must admit I'm unable to find anything funny to talk about this week.

Not much happened in the Session's early days and we found space to talk about the beloved and hated Capitol hawk. It was eating squirrels, people didn't like that and the government decided to relocate it. Then even more people became outraged, spoke their minds and the hawk was left alone. About a week after its stay of execution, the hawk was found dazed in the Capitol fountain and relocated to Coonskin Park. Coincidence? Convenient solution to a problem? We may never know. But bureaucracy wins. The hawk and outraged citizen lose.

Let's turn to something more serious. Ticked off coalfield residents. A gutsy delegate willing to show the leadership necessary to introduce a bill that Coal won't like. Outraged citizens turn out to support him and a miracle happens. His bill has the votes it needs to make it out of House Judiciary with NO increased weight limits for coal trucks. Sanity prevails. But, wait! Coal still gets it way. The House Finance Committee refuses to take up the bill, no matter how important it is to the citizens of West Virginia. Industry wins. We lose.

But let's keep the faith! WV-CAG lobbyists were the first to call for a Special Session on overweight coal trucks. Industrialized hemp may be legalized. Campaign finance reform is getting attention at the Legislature. All of this is only possible because of a group of determined folks who know what it feels like to take it on the chin but keep on fighting just the same. We're not ready to leave the ring yet. That is unless Mike Tyson muscles his way into West Virginia.

*West Virginia Citizen Action Group (WV-CAG) publishes Capital Eye during the Legislative Session. You can visit our website at [www.wvcag.org](http://www.wvcag.org), call us at 304-346-5891 or e-mail us at [linda@wvcag.org](mailto: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!*