



Capital Eye

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Was the Special Session Very Special?

by Norm Steenstra, norm@wvcag.org

Governors call special sessions for a variety of reasons. Sometimes it's to address an emergency such as funding for natural disaster relief. Sometimes it's to rewrite a current law as was the case in 2003 when WV-CAG challenged the constitutionality of issuing \$400 million in bonds. Special sessions sometimes focus on a specific problem as in 1991 when Governor Caperton wanted to stop out of state garbage. Occasionally a governor (usually brand new), calls a special session to push through complex and controversial policies that might not survive the regular session's full scrutiny. Caperton's 1989 special session creating the 6% food tax and Governor Manchin's special session last week fall into this category.

I believe in both cases the new governors wanted to bust out of the gates establishing themselves as decisive leaders and taking advantage of the "honeymoon" period traditionally granted by the media and the legislature.

Manchin introduced three major bills last week - Workers Compensation Reform, Government Reorganization and the Ethics Bill. WV-CAG worked on all three but devoted most of our attention to the Ethics Bill.

Government Reorganization

It seems that every governor proposes reorganizing the government, yet cumbersome bureaucracy outlasts his administration. The bill proposed by Manchin and passed by the legislature gives the chief executive far stronger powers to appoint the executive directors of various "independent boards." Particularly worrisome is the resurrection of the long-dormant Public Energy Authority (PEA) whose main purpose is to promote the building of new coal-fired power plants. In the coming months we will work with the new administration to ensure it appoints PEA board members who have a decidedly pro-environmental perspective. The good news is that the Public Broadcasting Authority, originally included in the

reorganization, was removed and will continue to enjoy a measure of independence.

Workers Comp Reform

Workers Comp is an important issue to three types of people: the business community, which must pay for it; organized labor which is protecting its members' security; and unfortunate injured workers across the state. The first two groups have much better lobbyists than the third. We were perplexed and a little uneasy when we saw labor leaders and Chamber of Commerce reps standing with Governor Manchin as he pushed his privatization of Workers Comp last week. So, what happened and was any of it good?

Everyone knows that Workers Comp has been a mess for over half a century. West Virginia is one of only a handful of states that has not privatized its workers comp program. Why is it such a mess? Greedy coal companies not paying their share? Greedy people faking injury? Too much labor union influence in politics? A top-heavy, uninspired bureaucracy?

You pick, but I blame Arch Moore, big coal and fly-by-night timber companies. What happened last week was that soon, private insurance carriers will compete to administer the Workers Compensation program. Almost everyone agrees this will save the state and businesses money. One labor leader told me that the legislature cut injured worker and widows' benefits so drastically last year that it would take a very incompetent insurance company NOT to make money now. Even the state, because of recent reforms, has been running the program in the black for the first time in memory. In essence, we are turning over the program to private industry so it can skim the cream off the top, similar to what is being proposed at the national level with Social Security privatization.

Ethics Bill

The fairly strong Ethics bill that the governor delivered to the legislature ended up so bad, so weak, so counterproductive to good government that we hope he vetoes it. Granted the bill gives the Election Commission the power to launch its own investigations (currently they may do so only if someone files a complaint). The bill require lawmakers to disclose possible conflicts of interests that their spouses have. It is as if the legislature is condoning the behavior of Jerry Mezzatesta and Mike Ross, the two major reasons why ethics became such a big issue this past year.

Former Senator Ross pushed a bill through last session that gave more than \$700,000 to promote a tournament at a golf course for which he held a \$8 million dollar note. Ross also owned 100 acres of prime building lots surrounding the golf course. WV-CAG filed its first ethics complaint against Ross for this sweetheart deal.

For the past ten years former Delegate Jerry Mezzatesta led the charge to expand gambling in the state. He was the most out-spoken proponent to legalize the gray machines. An investigation last summer revealed that Mezzatesta's wife owned a video lottery company that stood to benefit by legalization of the industry. Current law did not require him to disclose that fact. The new law doesn't either.

It took nearly 15 years for the legislature to revise the Ethics Law but it took a strong governor's bill and watered it down. Not only does this give the appearance of our legislators protecting themselves, it was a lost opportunity for us to advance out of the good old boy Dark Ages. You can bet that without a veto by Governor Manchin it will be a long time before ethics are seriously debated by the legislature again. Please call Governor Manchin at 304-558-2000 and ask him to veto the bill so the legislature can get it right.

Want Paper or E-Mail?

Many of our members have contacted us saying they want to receive the *Capital Eye* via e-mail each week instead of a paper copy. To receive only an e-version of the newsletter, please send your e-mail address to linda@wvcag.org and let her know you want an electronic copy only. To continue to receive this paper copy you need do nothing. Thanks!

Making Elections Fair and Clean in West Virginia

by Julie Archer, julie@wvcag.org

The Select Committee on Campaign Finance Reform is considering two proposals that would help make elections fair and clean in West Virginia. One would create a pilot project to provide full public financing to legislative candidates who agree to limit their spending and reject all private donations. This voluntary, “voter-owned” system would reduce candidates’ dependence on special interest money and let them focus on interacting with voters rather than fundraising. The “WV Fair and Clean Elections Act” is modeled after laws in Maine and Arizona, where it is now the political norm to run for office free of direct dependence on private campaign contributions. The pilot project would provide public funding to candidates in two Senate and three House races and is the first step toward making this alternative source of funding available to all candidates for elected office in West Virginia.

The interim committee is also considering legislation which would make statewide and legislative elections comply with the federal Bipartisan Campaign Reform Act or McCain-Feingold law which prohibits the use of “soft-money” in election-related communications. It is an important effort to undertake, because the McCain-Feingold ban on unlimited “soft money” donations going to the federal parties has spurred the advent of new vehicles for special-interest money, like the 527 groups For the Sake of the Kids and West Virginia Consumers for Justice, which both spent millions in an effort to influence the outcome of West Virginia’s Supreme Court race.

The bill would prohibit corporations from financing “issue ads” that target candidates shortly before a state election; and would require significant levels of disclosure from the sponsors of an electioneering communication that names a candidate but previously escaped regulation by stopping short of expressly advocating the candidate’s election or defeat. The legislation would also limit contributions to 527 groups that attempt to influence the outcome of statewide or legislative races to \$2,000 during any two-year election cycle. West Virginia already has limits on contributions to candidate committees, PACs and state party committees.

Because there are so many ways for special interests to influence our elections, efforts such as these should be applauded.

Please contact members of the Select Committee and tell them you support their efforts to protect our democratic process from the undue influence of special interests and help candidates and those who want to be involved in politics to have a level playing field. Committee members are: Senators Chafin, Hunter, Oliverio and Facemyer; and Delegates Ennis, Caputo, Mahan, Pethtel, Howard, and Schoen. (See page 6 contact info.)

It's A Job Thing!

by Linda Mallet@wvcag.org

There's going to be a bill introduced at the legislation this session that will create over 1,000 West Virginia jobs, reduce the state's litter, attract out-of-state companies AND increase our recycling rates. What kind of legislation could be good for the economy AND the environment? The West Virginia Bottle Bill!

The 2005 Bottle Bill is different from those we drafted in the past. In this year's bill retailers and bottlers, two industries opposed to the bill, are no longer a part of the redemption cycle. Instead of retailers taking back empty containers and refunding deposits to consumers, new and existing recyclers will handle the job. The result? Over 130 new or expanded recycling facilities will be needed across statewide to handle the return of an expected 700 million plastic, aluminum and glass beverage containers.

Why would someone want to go into the recycling business in West Virginia? Under the 2005 Bottle Bill, recyclers would receive a 3-cent handling fee for each container they collect. Based on a 70% redemption rate, a city the size of Parkersburg would need about three redemption centers to handle its 13 million containers each year. This would result in about \$400,000 in handling fees and provide employment for 6-9 full-time workers and 18 part-time workers for that community. JOBS!

Sponsors of the 2005 Bottle Bill to date are Senators McCabe, Unger, White, Foster, and McKenzie and Delegates Doyle, Talbott, Houston, and Webster. We have spoken to many other legislators about sponsoring this bill and hope to have them on board as the session begins. Now is a good time to call your legislators and ask them to support the 2005 Bottle Bill.

For more info, **visit www.wvbottlebill.org**. We'll keep you posted!

Contact Your Elected Representatives

Governor Joe Manchin: 1-888-438-2731 or 558-2000

Senators and Delegates: 1-877-565-3447

Write Your Legislators at:

The Honorable _____

Members of WV Senate/House of Delegates

Bldg. 1, State Capitol Complex

Charleston, WV 25305

Check out the new legislative website: **www.legis.state.wv.us**.

(For more on this updated site, see article on page 7).

U.S. Congress toll-free number: 1-800-839-5276

You can also visit our home page at **www.wvcag.org**, scroll down on the left margin, type in your zip code, and get contact info for all your federal, state and local representatives.

Check out next week's *Capital Eye* for a **directory of senators and delegates** so you can make those all-important calls during the Legislative Session!

Help! The 2005 Legislative Session Is Upon Us!

What a great time to renew your membership or send in a little something extra. Please clip and mail to: WV-CAG, 1500 Dixie St., Charleston, WV 25311. THANK YOU!

Name: _____

Address: _____

Here's my donation of \$ _____

Send me action alerts at my e-mail: _____

WVEC Legislative Blast OFF Party

When: Wed. Feb. 16th ...from 6:30 to 10:30 PM

Where: Perfater's Law Offices, 1311 Virginia St. East In Charleston Great entertainment by the Voo Doo Katz and the Black Eyed Susans. Great buffet with food from the SAHARA and home cooked goodies. \$15 suggested donation to fund the WVEC Lobby team.

Save the Date

WV-CAG Annual Spring Fundraiser is **Friday, April 29** at the Coon-skin Park Clubhouse. Details to follow but in the meantime, please check out your attic for cool stuff to donate to our silent auction!

Legislative Website Gets Overhaul

To keep up with the gyrations of your favorite legislation, check out www.legis.state.wv.us, the new and improved web page for the WV Legislature. A function of legislative services, the page has had a major upgrade since last year and now has the following features:

- * Personal bill tracking – set up your own account and list the bills you want to follow, then check in for a daily update.
- * Bulletin Board – Official Journals of both houses including notices of committee meetings, floor sessions and special events.
- * Legislators' e-mail – look them up by name, district, or click on the handy map to identify the person who is representing your district.
- * Lots of other fun stuff for the legislatively challenged...

Seriously, this is a vast improvement and the hard working folks at legislative services deserve kudos for their efforts to connect citizens to the inner workings of the legislative sausage maker. If only the rest of state government worked this well....

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!