



## WV-CAG TOP PRIORITIES

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- Bills We're Watching
- Social Security Resolution
- Paper Trail Update
- 

*More Inside*



West Virginia legislators think it's OK to vote for a bill that would directly benefit their spouse, even though they took an oath pledging otherwise.

## Ethics Judge Finds Ross Did No Wrong

by Norm Steenstra, norm@wvcag.org

Administrative law Judge Katherine Dooley ruled that former state senator Mike Ross did not violate the state ethics law when he lobbied for and then voted to give \$700,000 of state money to sponsor a golf tournament. Dooley found that Ross did not receive a "direct pecuniary interest." She wrote, "The commission's entire case of the use of public office for personal gain falls flat. There is no evidence that the vote of Mr. Ross was in any way used for his or his company's gain."

WV-CAG filed an ethics complaint against Ross last spring when we learned that he held an \$8 million note on the Pete Dye Golf Course, as well as 150 acres of prime residential property adjacent to the course. He also had free lifetime meals, drinks and merchandise from the business.

The oath of office Ross took as state senator stated that he would not benefit either "directly or indirectly" from legislation on which he voted. The Pete Dye Golf course was struggling and a state sponsored (and funded) national golf tournament, in our opinion, was certainly helped by the national exposure the state money afforded.

Dooley recommended that our complaint against Ross be dismissed in its entirety. The Commission meets April 7<sup>th</sup> to decide on this recommendation.

To say that those of us close to the case were disappointed is an understatement. This ruling underscores the weakness of our state ethics laws. No help is coming from the legislature apparently as today House Judiciary passed out the governor's ethics bill without the amendments to address the Ross and Mezzatesta scandals. Nearly every other state requires real estate disclosure and potential conflicts of interest of legislators' spouses. This begs the question - why not have this legislation in West Virginia?

# € Capital Eye Social Security Resolutions Pass

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## W V - C A G

was founded in 1974 as a non-profit membership organization dedicated to increasing citizen participation in economic and political decision-making.

Our members work for progressive changes in federal, state, and local policies by educating people about key public interest issues ranging from environmental protection and consumer rights to good government and health care reform.

by Gary Zuckett, [garyz@wvcag.org](mailto:garyz@wvcag.org)

After a smooth sailing through the Senate on Tuesday, the Social Security Resolution (HR18) in the House met some stiff opposition from Republican lawmakers when up for final passage. Debate on the resolution lasted over an hour. Democratic Delegates defeated a GOP-backed amendment to turn the Resolution on its head by asking Congress to “explore the use of private accounts.” Everyone, it seemed, was in favor of saving Social Security. However, when it comes to the president’s proposal of allowing from 1/4 to 1/3 of the payroll taxes now supporting it to be siphoned off into private accounts, that agreement ends.

Mike Caputo (D-Marion), chairman of the House labor caucus and lead sponsor of the House resolution, remarked that 22% of West Virginians get some type of Social Security payment, the highest percentage in the nation. He also urged Congress to “keep your greedy hands off our Social Security.” His comments and those of others were met with applause from the gallery, before visitors were reminded of House rules prohibiting such behavior.

The packed gallery included members of the state AFL-CIO legislative convention that was meeting in Charleston. The group adjourned midday after passing a similar resolution to watch the House pass its own. After passage there was an impromptu celebration in front of the House chamber.

Delegate Caputo, Senator Hunter (lead sponsor on Social Security SR18) and all the members of our legislature should be commended for sending the message to our Congressional Delegation to strengthen Social Security without draining its resources through privatization.

Next week, Americans United to Protect Social Security, our national coalition, will have its official roll-out. In simultaneous press events, over two dozen state coalitions (including ours) will announce affiliation with the national effort. Watch the evening news next Thursday for coverage as the campaign to protect Social Security gains steam across the nation.

# Good News on Our Quest for a VVPB

by Julie Archer and Hedda Haning

How To Help:  
Thank sponsors of  
SB 477 & HB 2950  
and SB 487 & HB  
2933, and ask  
other legislators to  
support this  
important  
legislation. Contact  
your state and  
federal lawmakers  
by visiting  
[www.congress.org](http://www.congress.org)  
and typing in your  
zip code. You'll  
also find a handy  
media guide for  
sending letters to  
the editor.

Contact  
information for  
County Clerks and  
County  
Commission  
Presidents is  
available at:  
[www.wvsos.com/  
service/rosters/  
countyoffices.htm](http://www.wvsos.com/service/rosters/countyoffices.htm).

Nationally, there are several bills that would create voter verified paper ballots pending in Congress, however, neither of our Senators is on the appropriate committees and, to date, refuse to commit their support. Furthermore, none of the bills in either house are moving, not even Republican Senator Ensign's narrowly crafted bill (S. 330) to require a voter verified paper trail. We have been told that none of the bills is on any legislative horizon, but that they may get consideration next session — that is January 2006.

Fortunately things are heating up at the state level. After months of waiting for guidance from the federal government, Secretary of State Betty Ireland conceded there is no point in waiting. She will announce her independent plan for West Virginia on Monday at the WV Association of Counties annual meeting. She has assured us repeatedly that her plan requires a paper trail, that she would not approve computerized voting without it. We'll have more on this next week.

Senators Randy White and John Yoder introduced SB 477 which would require electronic voting machines to generate a paper copy of each voter's vote to be used in random recounts and in cases where the election results are contested, challenged or disputed. A companion bill, HB 2950, has sponsors House Speaker Bob Kiss and Delegates Longstreth, Manchin, Caputo, Perdue, Martin, Amores and Beane. We hope to work with these sponsors to make sure that random recounts are actually required for electronic voting machines. Under current code, random recounts are required for other voting systems, but not for electronic voting machines.

Also this week legislation was introduced (SB 487 and HB 2933) to authorize the use of ballot-marking devices — a computer that marks optical scan ballots and has all of the positive features of a computer, but does not count votes, and always leaves a paper trail. Sponsor are Delegates Ashley, Amores, Craig, Hall, Stalnaker, Stemple, Talbott and Trump, and Senators Facemyer and Lanham.

# Bottle Bill Needs You!

by Linda Mallet, linda@wvcag.org

The Bottle Bill, SB 273 and HB 2230, is in the House and Senate Judiciary Committees. We are focusing our lobbying efforts on the House Judiciary and "polling" members on whether or not they support this bill. Calls to these members from you would be extremely helpful.

Please remind delegates that this year's bill takes the bottlers and retailers out of the redemption cycle and would provide

## House Judiciary Members

Jon Amores (Chair), 340-3252; Tim Armstead, 340-3124; Tom Azinger, 340-3202; Bonnie Brown, 340-3178; Mike Caputo, 340-3367; Kevin Craig, 340-3248; Joe DeLong, 340-3161; John Ellem, 340-3394; Bill Hamilton, 340-3167; William Hartman, 340-3396; Greg Howard, 340-3121; Lidella Hrutkay, 340-3156; Marshall Long, 340-3120, Virginia Mahan, 340-3106; Clif Moore, 340-3152; Jim Morgan, 340-3123; John Overington, 340-3148; Dave Pethel, 340-3149; John Pino, 340-3114; Robert Schadler, 340-3191; Kelli Sobonya, 340-3175; William Stemple, 340-3116, Robert Tabb, 340-3274, Richard Thompson, 340-3158, Carrie Webster (bill sponsor), 340-3184. Call toll-free at 1-877-565-3447.



**Did You**

During Deposit Day 2004, we collected over 4,000 containers in just a few hours!

hundreds of redemption center jobs.

This week I had the pleasure of talking to members of the Morgantown Sierra Club about the Bottle Bill. Attendees plan to ask their county commissions, city councils and solid waste authorities to pass resolutions of support. This simple one-page document can be downloaded it from [www.wvbottlebill.org](http://www.wvbottlebill.org) or give me a call and I'll send you one. It's extremely helpful when talking to delegates and senators to show them this level of support from their districts.

Save up your beverage containers and bring them to our 2nd annual Deposit Day on March 30 (part of WVEC's E-Day!). Just like last year, we'll give you a 10-cent "deposit" for each container you bring to our E-Day booth (limit of 50 containers, please). Help us show legislators that there is public support for this anti-litter, pro-jobs legislation!

"It was refreshing not to have to raise money, or in some cases spend my own... I feel a certain independence from certain special interest groups. It was nice to be able to say, 'Thanks for the thought, but I'm running clean'." Maine State Senator Peter Mills (R)



Check out [www.wvoter-owned.org](http://www.wvoter-owned.org) for the latest info on these bills.

SB 37 would require insurance companies to cover the costs of contraceptives

# Campaign Finance Measures on Hold

by Julie Archer, [julie@wvcag.org](mailto:julie@wvcag.org)

Two proposals that would help make elections fair and clean in West Virginia remain on hold. The West Virginia Public Campaign Financing Pilot Project Act (HB 2486 and SB 247), which would provide full public financing to legislative candidates in two Senate races and three House races in single member districts, is still resting in the Senate and House Judiciary Committees, as we continue to work with supporters to correct problems with the bill.

Deliberation on companion legislation to reign in 527 groups like 'And for the Sake of the Kids' and 'WV Consumers for Justice,' was delayed in Senate Judiciary this week so committee counsel could work on a committee substitute for the bill. SB 245 would require greater disclosure of contributors to 527 groups and limit the amount any individual, political committee or political party could contribute to such groups. We expect the bill to move this week.

# Prescription Fairness Sent to Sub-Committee

by Julie Archer, [julie@wvcag.org](mailto:julie@wvcag.org)

We hoped to report that, SB 37, the WV Prescription Fairness Act cleared its first legislative hurdle in the Senate Banking and Insurance Committee. Unfortunately, it was referred to a sub-committee comprised of many supporters, but chaired by Senator Roman Prezioso, who opposes the bill.

Special thanks to Senator Karen Facemyer, who stressed to the committee that this an issue of basic fairness, and encouraged the subcommittee to act quickly. We were surprised to hear that West Virginians for Life, ironically not part of the coalition supporting SB 37, met with Senator Prezioso to let him know they didn't oppose the bill. We're unsure how this will affect the bill's chances. Please ask subcommittee members Senators Prezioso, Foster, Chafin, Facemyer and Guills to support this legislation, which would help prevent unintended pregnancies and reduce the number of abortions.

# Events/Announcements

*March 19*

## **Patriots For Peace**

Vigil to Mark the 2nd Anniversary of the Iraq War  
Noon to 2 PM

Davis Park (corner of Lee and Capitol)

*March 21*

**Patriots For Peace  
Public Forum**

Iraq: How Long Should We Stay?  
6:30-8 PM

University of Charleston

*March 30*

## **E-Day!**

**WV Environmental Council**

10:00 am ~ 3:00 pm  
State Capitol

See the latest news on environmental bills circulating throughout the Senate and House. To register your group, organization or business contact: Denise Poole at 304- 346-5905 or [deniseap@earthlink.net](mailto:deniseap@earthlink.net)

## **Deposit Day**

Bring your containers to E-Day and support the Bottle Bill! We'll give you 10-cents for each container (limit 50, please).

*April 29*

## **WV-CAG's Annual Spring Dinner**

Coonskin Park Clubhouse  
Invited Keynote Speaker ~ Governor Joe Manchin

We appreciate any and all silent auction donations! Contact us at 346-5891 or [linda@wvcag.org](mailto:linda@wvcag.org).

## **Other Bills We are Following:**

The Child's Right to Nurse Act (HB 2450) passed the House with just four delegates voting against it - Republicans Canterbury, Wakim, Schoen and Duke. The bill now goes to the Senate. Ask your Senators to support this legislation that protects a family's right to breastfeed.

House Judiciary will soon take up legislation that would move decisions about water quality standards to the DEP instead of the Environmental Quality Board (EQB). This industry-backed bill is bad for the environment and for your water. Please ask your delegates to vote against HB 2889 (see list of House Judiciary Committee members on page 4 of this issue).



# **WV CAG** We Need Your Support!

We can't do it without you

Please renew your membership, or send in a little something extra to help get us through the Session.

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

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

Here's my donation of \$ \_\_\_\_\_.

Please e-mail me action alerts to:  
\_\_\_\_\_  
\_\_\_\_\_

Clip and mail with your check to West Virginia Citizen Action Group,  
1500 Dixie St., Charleston, WV 25311