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Refer Your Friends

Pro and Anti-Consumer Bills Make Their Debut

Call Shelley This Week

Watching the Paper Trail

Redefining Mine Safety

by Norm Steenstra, norm@wvcag.org

I worked in a small underground coal mine for a couple of years. Roof falls were common and electrical fires were a constant threat. We had a "bad air" episode and I still marvel that we made it out. The Sago and Logan mine tragedies stirred up emotions placed in storage for over 25 years. In a small way I could visualize what the trapped miners went through.

I commend the quick action taken by the governor and the legislature in addressing the causes of these recent tragedies but the safety issue is far more comprehensive. Mine safety does not stop at the mine portal.

Hundreds of West Virginians live, worship and send their children to school down the hollow from some of the state's 140 coal impoundments. Thirty-four years ago the world learned at Buffalo Creek that these dams could fail, erase communities and kill entire families. More recent episodes in Kentucky and our own state indicate that coal dams are still not safe. Miners have the United Mine Workers to advocate for their safety but who lobbies for the potential victims of dam failure? Why don't the people down stream merit the same disaster communication systems and new regulatory scrutiny?

Coal impoundments are a disaster waiting to happen. Located 4 football fields away from a huge AT Massey impoundment, Marsh Fork Elementary is a poster child for a potential calamity. Massey also owns the impoundment that failed in Martin County, Kentucky several years ago. Both dams have received numerous construction violations from federal inspectors. Common sense says sooner or later, due to negligence, people will die as a result of a West Virginia dam failure.

I said I could somewhat relate to the miners' terror but I cannot relate nor have I ever experienced the terror of living downstream from a coal impoundment. People living with this omnipresent risk need leadership from both the governor and the legislature now.



Did You Know?

Capital Eye comes out weekly during the Legislative Session and bi-monthly throughout the rest of the year. If you have questions or comments about its content, please contact us. If you'd rather receive the *Eye* on-line, e-mail linda@wvcag.org

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organization
dedicated to
increasing citizen
participation
in economic and
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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 &
health care reform.



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Watching The Paper Trail

by Hedda Haning, WV-CAG Board Member

In 2005, the Legislature passed a law requiring that all touch screen (or DRE) voting machines used in West Virginia provide a voter verifiable paper ballot to assure that votes are recorded as the voter intended; and to allow for the election to be audited at canvass and in the case of a challenge recount. This is excellent, but of course there are potential **glitches**. For instance:

- 1) The voter may not check the paper ballot for accuracy;
- 2) The printer may malfunction as technical things often do—it is all very new and untested. (While Nevada conducted two uneventful elections on DREs with printers last year, ES&S has never had a printer attached to its iVotronics before, and this current model was rushed through production and certification.);
- 3) The counties may not prepare adequately for the event of a malfunction;
- 4) Particularly, the counties may not have enough back-up machines if malfunctions are wide spread; and
- 5) For some county officials, the immediate fall-back position may be “well, we don’t need to count those paper ballots anyway.”

If you are in a county using DREs, **always remember to check your paper ballot. It is the ballot of record for canvass or requested recounts.** (To see what type of machines your county chose, visit www.wvsos.com/webvotingystems.htm.) Then contact your county election officials to ask the following:

- 1) What provisions have you made to alert the voters that they should check the paper ballot for accuracy? Will there be signs at every voting station? Will the poll-workers encourage voters to do so as they hand out the “keys” or “smart cards” for the voting computers?
- 2) Given testing of machines here and elsewhere, how often do you expect equipment malfunction?
- 3) What provisions have you made besides voter awareness to recognize a printer malfunction as soon as it happens? Will poll workers look at the printer for obvious malfunction such

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AG Proposes Consumer Bills

by Gary Zuckett, garyz@wvcag.org

WV Attorney General Darrell McGraw held a press conference Wednesday to introduce four bills aimed at protecting consumers.

A Notice of Breach Law, such as California and several other states have enacted, would require WV firms to notify customers when their personal information is acquired by unauthorized parties such as computer hackers.

Another would allow consumers to block third-party access to credit reports without authorization. The third would prohibit the insurance industry from using a customer's credit score to determine premiums or cancellation. The last one is aimed at the credit card industry's practice of preying on college students by putting penalties into the bill passed last year restricting such practices.

McGraw blasted the credit card industry for its aggressive and deceptive practices, calling the late fees and interest rates as high as 39% "usury." He also faulted the federal Comptroller of the Currency for failure to reign in such predatory practices. More info next week, including bill numbers to watch.

Wal-Mart Bill Might Prove Fruitless

by Ted Boettner, ted@wvcag.org

On Thursday, January 12, the Maryland House and Senate voted to override Governor Ehrlich's veto and pass the "Fair Share Health Care" bill, which allows Maryland to tax large employers who fail to provide adequate health care benefits for their employees. On the heels of this action, the WV Legislature introduced the WV Fair Share Health Care Act (SB 147 & HB 4024) on January 16.

The West Virginia Fair Share Health Care Act would require any employer with 10,000 or more workers in the state to spend at least 8 percent of its wages for health-care costs.

The central purpose of this legislation is to help alleviate the financial pressures facing states as they struggle to contain Medicaid. This bill's secondary aim is to level the playing field between companies providing good jobs and benefits to their workers and those that don't.

This bill is being dubbed the "anti-Wal-Mart bill" by both proponents and opponents because Wal-Mart is typically the only large state corporate employer that has more than 10,000 employees and pays less than 8 percent of its wages for health-care costs. However, this bill does not mention Wal-Mart or any other

(continued on page 6 - see Wal-Mart Bill)

Conversation With Capito

by Gary Zuckett, garyz@wvcag.org



“Capital is only the fruit of labor.

Labor is the superior of capital and deserves much the higher consideration.”

Abraham Lincoln

Sometimes just being in the right place at the right time pays off. Yesterday as I polished the floors of the capitol with my shoes whom should I spy but our 2nd District US Representative Shelley Capito. She was there to officially file to run for her fourth term in Congress. Quickly, I asked Susan, the lobbyist for the WV Social Workers, to go over with me to put in one more request for her to vote against the drastic social service cuts included in the Budget Reconciliation Bill. She deftly avoided giving us any indication of her intentions on the subject – no surprise.

Not too late

Last week we asked you to call Rep. Capito’s office with the same message. The bill comes up for a vote on Wednesday, February 1. Please call the toll-free number below now to help save the \$40 billion about to be cut in essential services such as Medicaid, Student Loans, Child support enforcement, and nursing home care to pay for even more tax cuts for the rich.

Call 800-426-8073 and ask her to vote no on the Budget Reconciliation Bill!

Bottle Bill Update

by Linda Frame, linda@wvcag.org

Last week the WV Container Recycling and Litter Control Act, SB 136, was referred to a Senate Judiciary Subcommittee. Before this subcommittee can meet, Judiciary will hold a Bottle Bill “stakeholders” meeting where interested parties will discuss their concerns with the bill. The meeting is Tuesday, January 31 at 10AM in Senate Judiciary. If you want to hear industry’s arguments against the best method of litter control, stop by. It’s not a public hearing and legislators will not be present but you can listen in. As a CT bottle bill activist so aptly stated, the only thing retailers and bottlers are interested in recycling is the same old tired arguments against bottle bills!

Critical Vote for “Clean Elections” ~ Ask Senators to Support S.B. 124

by Julie Archer, julie@wvcaq.org

Senate Judiciary Committee Chairman Jeff Kessler plans to put S.B. 124, the “**WV Public Campaign Financing Act**,” on the committee’s agenda early next week. **At this time it appears that the committee vote will be very close.**

The following Senators are “swing” votes critical to the bill’s passage. **They need to hear from their constituents and constituent groups urging their support for S.B. 124, the “WV Public Campaign Financing Act.”**

- Senator Mike Oliverio (D-Monongalia) 357-7919
- Senator Charles Lanham (R-Mason, Putnam, Jackson, part of Roane) 357-7843
- Senator Clark Barnes (R-Hampshire, Hardy, Morgan, Pendleton, Randolph, Pocahontas) 357-7973
- Senator Joe Minard (D-Harrison, Braxton, Gilmer, Lewis) 357-7904
- Senator Truman Chafin (D-Mingo, McDowell, Mercer, Wayne, Wyoming) 357-7808

If you live in these Senate districts, and haven’t already, PLEASE take a minute to call your Senator and ask him to vote in favor of S.B. 124. **You can also reach them toll-free at 1-877-565-3447. Let them know you are a constituent by leaving your name and address with your message. For more information see www.wvoter-owned.org.**

Stay In Touch!

The legislative website is a great resource where you can find legislators’ contact info and committee assignments, and track bills. Add it to your favorites at **www.legis.state.wv.us**.

Call your delegates and senators toll-free at: 1-877-565-3447 or write to them at West Virginia Senate/House of Delegates, Building 1, State Capitol Complex, Charleston, WV 25305.

Contact Governor Manchin toll-free at 1-888-438-2731 or e-mail at Governor@WVGov.org.

Important Events

Weekly Vigils Continue

WV Patriots for Peace Vigils every Friday from noon to 1:00 p.m. at the office of Rep. Shelley Moore Capito, located at the corner of 49th Street and MacCorkle Avenue in Kanawha City. Help hold the Wall of Remembrance, which is nearly a football field in length. According to the National Priorities Project, www.nationalpriorities.org, the dollar cost to West Virginia for the war in Iraq is over \$710 million. For more info, please visit www.wvpatriotsforpeace.org.

State of Our Values Discussion

January 31, 8:00 PM - Justice & Peace/Government Concerns Program of the West Virginia Council of Churches "State of Our Values" discussion. Unitarian Universalist Fellowship, 520 Kanawha Blvd, W. Charleston WV. Light refreshments and discussion of the how U.S. government policy can better reflect our values, and what we expect to hear from the State of the Union address. We will watch the address together at 9:00 PM, and the have a brief wrap-up session afterward. For more information, contact Carol Warren at 343-3360 or Jeff Allen at 342-0029.

WVEC's Annual E-Day

February 14: West Virginia Environmental Council's E-Day at the Capitol. This annual event is your chance join others from across the state to lobby legislators on environmental issues. There will be booths from statewide and local organizations and a special award ceremony. WV-CAG will also hold its 3rd annual **Deposit Day** where we'll "refund" you 10-cents for each container you bring to our booth. More details in next week's issue at www.wvecouncil.org.

(Wal-Mart Bill - continued from page 3)

employer by name. Wal-Mart employs over 12,000 people in WV at 35 locations and is the only company that will fall within the bill's provisions.

Despite the progressive euphoria sweeping the country about fair share legislation, there are a few things to consider about its effectiveness. First, will Wal-Mart reduce the number of employees below the 10,000 limit if this bill becomes law thereby making the law inapplicable? What would prevent Wal-Mart from raising the health benefits – so it reaches 8 percent of wages - of its upper management? Couldn't Wal-Mart just reduce its wages to meet the 8 percent cutoff?

Only time will tell how Wal-Mart will respond to this legislation, but one thing states can do to modify the bill and give it some real teeth, is reduce the number of employees below 10,000 so it affects a wider range of businesses and prevents Wal-Mart from wiggling its way out of the bill's provisions. More on this bill later.

(Paper Trail - continued from Page 2)

as torn paper after each use?

4) What provisions have you made to replace malfunctioning machines?

5) Do you have enough equipment so that long lines will not develop at the remaining functioning machines?

6) Can you envision a circumstance when you would not be able to use the voter verified paper ballot to canvass or audit the election?

7) What do you plan to do if you feel that the DRE attached voter verified paper ballot cannot be used to audit the election?

8) Do you plan to have extra paper ballots available as back-up for each election until it is obvious that elections will run smoothly with the new iVotronic machines?

If you have questions or need assistance, please contact julie@wvcag.org.

Like the *Eye* ? Refer Your Friends

WV-CAG is striving to increase its membership through our newsletter the *Capital Eye*, either electronically or through mailings. We are asking you, our members, to submit two names, addresses, phone numbers and e-mails of friends who you think would be interested in joining WV-CAG and receiving our newsletter through the year. Please call us at 346-5891 or e-mail linda@wvcag.org and we'll add them to our mailing list.

WV-CAG staff always welcomes comments, opinions and your input on important issues that affect West Virginians on a state and national level. Through all of us working together, we can accomplish better things for West Virginia!



Please renew your membership or send a donation.

Name: _____

Address: _____

Phone: _____ E-Mail: _____

Here's my donation of __\$15 __\$25 __\$50 __\$100 Other \$ _____

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

Donate safely and securely on-line at www.wvcag.org!!!!

THANKS!