

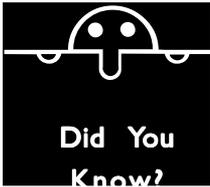


Capital Eye

VOLUME 6 NO. 7 February 24, 2006

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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

Do Not Read This If You Are In a Good Mood

by Norm Steenstra, norm@wvcag.org

It was a long, bleak week here at Lake Cagbegone. With just 15 days left in the session our two major bills appear to have died quietly. Clean Elections and the Bottle Bill are two progressive concepts that are working well in other states, yet our legislators have no problem ignoring systemic problems or rejecting proven solutions.

The Bottle Bill died in Senate Judiciary because we couldn't pin down enough votes. It was close but at the last minute we asked Chairman Kessler not to put the bill up for a vote. Our thinking was a defeat in committee would reverse the momentum created this session. The lobby efforts of the anti bottle bill people were extensive, dishonest and disingenuous to put it kindly. I guess that is what happens when people like us challenge the status quo of multi-million dollar corporations like Budweiser, Coke and Pepsi.

The day that Todd Lang, head of the Arizona Citizens Clean Election Commission, testified before the Senate Finance Committee, Chairman Walt Helmick killed the clean elections bill, saying "It's too much, too soon and too late", apparently "forgetting" the bill had been debated and studied for the last four years. As you know, Clean Election states like Arizona experience far greater candidate participation and far fewer unopposed races. The world should not wonder why Senator Helmick, who happens again to running unopposed, would want to kill a bill that makes it easier for an average person to run a credible campaign against an incumbent.

In that vein, 4 senators running unopposed or with no serious opposition are responsible for defeating clean elections and the bottle bill. Three of the four have been in the legislature since before I began lobbying 18 years ago. The fact that for most of their careers they have not had any real opposition is a failure of the two party system.

(continued on page 6 - see "Good Mood")



CapitalEye
published
by West Virginia
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Bottle Bill Hits Special Interest Wall

by Linda Frame, linda@wvcag.org

Despite a promising start, SB 136, the WV Container Recycling and Litter Control Act has gone where most progressive legislation appears to end up - Study Resolution Land. While having the bill get closer scrutiny is certainly our goal, we were in this same position last year with the promise of a study that never came.

Your support on the Bottle Bill has been tremendous as well as inspiring and without it, our lobbying would have been impossible. Going against the likes of the beer and soft drink industry, which apparently has money to burn (have you checked out those Budweiser commercials lately? Remember Spuds McKenzie?) is a daunting challenge. When people ask me, "What's the hold up in getting this bill passed?" I can only answer that we are blocked by enormous greed and self-interest so strong that it blocks this legislation from even a serious look, let alone passage. We never thought it would be easy but to have a Senator look me in the eye and tell me that he really doesn't see many soda and beer cans on the roadways in his district, one has to wonder if power and greed can also make you blind. After bemoaning this to one of my favorite people who just so happens to live in a bottle bill state, he simply replied, "You are going up against tremendous greed."

So it goes. We are going to work hard to get the Bottle Bill studied during the interims. We have to continue to play a game for which someone else makes the rules, and usually we don't even get to see a copy. We can take pride, though that this year we got further than ever before with the help of some forward-looking legislators, legislative staff and our wonderful members, who, even though we ask them over and over, still make those calls and help us with this fight.

Last week I forgot to thank a couple of folks who made Deposit Day possible: Navneet and Noreen Bhullar who make the trek from Princeton for the third year in a row, and Abram Racin who was among the WVU students who brought over 26,000 cans to the Capitol. **Thanks!**

Consumer Protection Bill on Gift Cards Advances

by Julie Archer, julie@wvcag.org

This week the Senate Judiciary Committee advanced a bill which would prohibit expiration dates on gift cards, gift certificates, stored-value cards and any other type of certificate or card which allows the bearer to purchase goods or services. The bill also prohibits the issuer from charging any dormancy, inactivity or service fees in connection with the gift card or gift certificate.

The idea was proposed by State Treasurer John Perdue, who worked for passage of similar legislation during last year's legislative session. According to an op-ed by the treasurer in *the Charleston Gazette* earlier this year, 12 states already have laws that either eliminate or limit restrictions that can be placed on gift certificates or stored-value cards, and similar legislation has been introduced in 38 other states, including Perdue's attempt last year in West Virginia. This session, Treasurer Perdue incorporated these prohibitions into his bill related to unclaimed property, however, Senate Judiciary decided to originate a separate bill to deal with the gift card provisions.

We hope this consumer protection bill relating to gift cards is adopted by the legislature. As the treasurer himself said in his op-ed, "You shouldn't give something for nothing."

Two Weeks to Go!

There's only two weeks left before we wrap up the 2006 Legislative Session. You can stay up to date by visiting www.legis.state.wv.us. This is the best way to locate e-mail addresses for your legislators. Also, you can 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.

Spring Fundraiser Set for April 7

Please plan to join us Friday, April 7 for our annual fundraiser dinner at the Coonskin Park Clubhouse. We'll keep up tradition with our home-cooked buffet, silent auction and great speakers. Tickets available now at \$35 a person which includes food and drink! To reserve your tickets contact linda@wvcag.org or 346-5891. See you there!

The Sludge Report

by Ted Boettner, ted@wvcaq.org

As many of you know, the sludge safety bill (HB 4583) was introduced last week in the House of Delegates and sent to the Judiciary Committee upon introduction. However, after this week any pending bill has to move out of committee(s) if it's going to be voted upon in the House or Senate.

The sludge lobby team met with House Judiciary Chairman Jon Amores to discuss putting HB 4583 on the agenda or scheduling a public hearing. Amores said he would not consider putting the bill on the agenda, or schedule a public hearing, but agreed to move forward with a study resolution on sludge impoundments and slurry injection and the alternatives that exist.

On Thursday, Senator Jon Hunter introduced a study resolution (SCR-49) that would study sludge impoundments and mining subsidence. The good news is that both of these resolutions can move out of committee and onto each floor anytime before the legislative session ends.

Before the legislative session ends on March 11th, the sludge lobby team will work toward getting both resolutions passed. In all likelihood, they will combine each of these resolutions into one study before passing them in both houses.

On **Monday, Feb. 27th the Sludge Safety Project will host a “Remember Buffalo Creek Day” from noon to 4 p.m. in the Governor’s press conference room.** The event will feature clips from two Appalshop films – *Buffalo Creek* and *Buffalo Creek Revisited* – and give legislators and the public a chance to talk with people whose lives are affected by coal waste impoundments.

During the afternoon, coal field residents will meet with legislators about supporting the Sludge Safety Bill. Please come and show your support for this important piece of legislation and listen to the stories of why banning coal sludge is important to all of us.



Half the truth is
often a great lie. -

Benjamin
Franklin,
statesman,
author,
and inventor
(1706-1790)

Clean Elections Fate Uncertain

by Julie Archer, julie@wvcag.org



In Arizona's 2004 election, 56% of candidates participated in the state's voluntary Clean Election program. That number is expected to grow to 60% in 2006. 90% of incumbents are still re-elected regardless of whether they run as clean or traditional, however, fewer races are unopposed and voters have a real choice at the polls.

Although by most accounts the WV Public Campaign Financing Act (SB124) appears dead for this session, we are still holding out hope that the bill will be taken up and voted on by the Senate Finance Committee. The bill was on the committee's agenda Thursday morning so members could hear testimony from Todd Lang, the Executive Director of the Citizens Clean Elections Commission in Arizona, one of the nation's pioneering Clean Elections state's.

Todd's appearance before the committee was a boost to our efforts, as he spoke about the success and popularity of Clean Elections in Arizona, and we are extremely grateful to the Reform Institute for arranging and sponsoring Todd's visit to West Virginia. We are also grateful to Senator Brooks McCabe, who encouraged Senate Finance Chairman Walt Helmick to allow time on the agenda and to Senator Helmick for granting the request. We were disappointed, however, that there was no discussion of the West Virginia legislation, which in many ways mirrors Arizona, and that the bill was not put to a vote. We believe we have the votes to advance the bill, although as in Senate Judiciary, we expect it to be close. Even Senator Helmick acknowledged that Todd's presentation "may have answered many critic's questions," adding to our frustration that further discussion was not allowed. Helmick also told the Associated Press, "I think next year is the year that campaign finance will be looked at very strongly."

If the bill is dead we'll most certainly return to the legislature with a proposal next year, but there is still time this session to advance SB 124 ahead of the deadline for bills to be out of committee in the house of origin.

**Check out a new progressive WV blog
at www.goatrobe.blogspot.com/**

Health Care Bill Reemerges

by Gary Zuckett, garyz@wvcag.org

The off-again, on-again health care bill (HB 4021) passed out of the House Health and Human Resources Committee on Friday. The Independent Commission on expanding health care access is gone. In its place, the State Insurance Commission is delegated to find a way to cover all West Virginians by 2010, a situation similar to asking Fidel Castro to promote American-made cigars. The bill also expands CHIP (Childrens' Health Insurance Program) coverage to families up to 300% federal poverty level and advances the governor's bare-boned health care measures.

In all, these are baby steps to fix an imminent health care crisis that everyone has testified is about to engulf our state.

Much credit is due to House Health and Human Resources Committee Chairman Perdue who held out to the end for a more comprehensive solution, but apparently couldn't wake up his Senate counterparts.

Moving Wages

by Ted Boettner, ted@wvcag.org

On Friday, the House Judiciary Committee voted out HB 4023 that would increase the state minimum wage (\$5.15) in three increments. Beginning in June 2006 the state minimum wage will be \$5.85 an hour, in 2006 it will be \$6.55, and in 2007 it will reach \$7.25 an hour. This bill also links increases in the federal minimum wage to state minimum wage. Currently, 17 other states, and the District of Columbia, have a minimum wage above the federal level.

The bad news about this bill is that there are many exemptions, including agriculture jobs and employers that have less than six employees. In 2004, 20,000 West Virginians earned a minimum wage. This bill in its current form will mostly likely not reach all of these wage earners, but that remains to be seen.

The bill will probably be taken up in the House of Delegates next Monday, February 27th. We will keep you posted.

("Good Mood" - continued from front page)

Senator Frank Deem (R- Parkersburg) belittled the bottle bill issue and was industry's mouthpiece. Senator Mike Oliverio (D-Morgantown) voted the clean elections bill out of Judiciary but told us he was committed to vote against the bottle bill. Senator Joe Minard (D-Clarksburg) voted against clean elections and opposed the bottle bill. Helmick, Minard, Oliverio and Deem have no opposition and are guaranteed 4 more years of opposing progressive issues in West Virginia. Next week I'll try and put a more optimistic spin on the state of both issues but right now profound disgust of a flawed and close-minded system prevails. By the way, my spell check thinks Helmick should be hemlock.

Important Events

Weekly Vigils Continue

WV Patriots for Peace Vigils every Friday from noon to 1:00 p.m. at the Town Center Mall, across from Chili's. Help hold the Wall of Remembrance, which is nearly a football field long.

Remember Buffalo Creek

February 27: Remember Buffalo Creek. Join members of the Sludge Safety Project for a screening of two documentary films by Mimi Pickering — "Buffalo Creek: Act of Man" and "Buffalo Creek Revisited" — 12pm in the Governor's Press Conference Room at the State Capitol.

Covenant House Lunch

February 28: Bring a brown bag lunch and join a discussion on Clean Elections: the WV Public Campaign Financing Act with OVEC's Janet Keating and WV-CAG's Julie Archer. 12 to 1pm at Covenant House, 600 Shewsbury Street, Charleston. For more info on monthly lunch discussions visit www.wvcovenanthouse.org/lunch_talks.html.



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THANKS!