



Capital Eye

VOLUME 6 NO. 8 March 3 2006

In This Week's Issue:

Coal Truck Issue Comes Back

Diluted Minimum Wage Bill

Good Bills Wait for Next Year

CAG Fundraiser on April 7!

Walking Down the Hill

by Norm Steenstra, norm@wvcag.org

Two bulls were standing on a hilltop looking down at a pasture filled with cows. The younger bull excitedly said to the older and wiser bull, "Let's tear down this hill and have our way with one of those cows." The older bull looked at the younger one and said, "I've got a better idea. Let's walk down this hill and have our way with ALL of them." Being patient can produce greater dividends, a good way to sum up this session.

The Budget Digest is used particularly by the House of Delegates to control its members. Vote the way the Speaker wants or you won't get the funding for your Buckwheat Festival or your new town library. Very progressive delegates vote for, say, expanding mountaintop removal for fear of losing their local pre-natal health clinic. Fifteen years ago and again five years ago WV-CAG sued the legislature to end the Budget Digest, both times losing at the Supreme Court. The issue is again before the Court and will be moot if the corrupt system is abolished. Leadership is deathly afraid its staff could be required to swear under oath who decides who gets what. So the Budget Digest is history, even if for the wrong reasons.

Continuing to walk down the hill slowly, the bottle bill inched closer to eventual passage. A good bill was improved in subcommittee and next year will return with even greater support. The pace down the hill quickened with Clean Elections. Because of Judiciary Chairman Jeff Kessler's support the bill passed out of his committee but then died in Senator Helmick's Finance Committee, even with his declaration that election reform in West Virginia is inevitable.

With our major legislative initiatives waiting for next year, the session's last week will be one in which your lobby team will watch for dirty, sneaky amendments suddenly appearing in innocent bills. We feel (and hope you do, too) that a pro-consumer presence at the Capitol is critical. Thanks for all your support and legislative contacts. **Remember, the best lobbying you can do is on Election Day!**



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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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 &
health care reform.



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From the Editor

by Linda Frame, linda@wvcag.org

It's here - we have officially covered the 2006 Legislative Session for the past 8 weeks. It's a challenge to do a weekly newsletter but the end in sight brings a sense of accomplishment. It's also the time to thank the folks who make the publication of a weekly *Capital Eye* possible.

First, a big thanks to Craig Wanless, Eleanor Spohr and Wendy Simms who came to assemble the newsletter on Fridays (thanks for the pizza, Craig!).

A badge of courage to Marge Michau for facing down the copy machine each week and learning more about clearing jams than she ever wanted to know. Thanks to Julie Archer for having my back with proofreading to help me get the copy done in time. Thanks to CAG staff Norm Steenstra, Gary Zuckett, Julie Archer and Ted Boettner for writing their articles under even more time pressure so we could meet the Post Office's earlier deadline, for helping put the newsletter together and for providing moral support.

Thanks to Don Alexander, our website dude, for flawlessly posting the fresh edition each week to our site for our on-line readers. The overtime award to Jeff Bricker for not only repairing our copier in moments of panic but also sticking around to help make the copies. Thanks to Denise Poole, Don Garvin and the rest of the WV Environmental Council for running our columns in their pages and helping to spread the word.

Cyndi Bolton and Laura Phillips with the Phillips Group make it possible for us to send this newsletter out at the cheapest rate and save us hundreds of dollars every Legislative Session. Thanks for fitting us in to your busy schedule!

And last, but not least, thanks to you, our members and readers. You are the reason we do this and because of your contributions, suggestions, participation in our democracy (making those calls!) and donations, we are able to produce the *Capital Eye* again, for the 6th year in a row! Look for our Legislative Wrap-Up later this month.

**Please see this week's insert for a list
of bills we are still watching!**

Coal Trucks Roar Again

by Julie Archer, julie@wvcag.org

Some issues never really go away. In 2002, WV-CAG joined forces with Coal River Mountain Watch, the Ohio Valley Environmental Coalition, the WV Environmental Council, the United Mine Workers and others to defeat a bill to raise coal truck weights. We scored a major victory during the July 2002 special session when an amendment offered by Delegate Mike Caputo struck down Governor Bob Wise's proposal to increase the weight limit to 120,000 pounds for West Virginia coal trucks. It was coal's most visible defeat in recent memory.

Coal continued to call for a near doubling of the weight limit on its trucks and after losing some of our legislative allies in 2002, during a 2003 special session the limit was raised to 126,000 pounds. The Department of Highways was authorized to designate any roads in ten southern coal producing counties and specified routes in eight other counties into the "Coal Resource Transportation System" (CRTS). Since 2003, coal companies have returned to the legislature each year seeking to have additional roads incorporated into the system.

To slow down CRTS expansion and open the process up to public scrutiny, in 2005, the UMWA successfully lobbied for the creation of a committee to approve the designation of additional coal resource transportation roads. It is comprised of the Commissioner of Highways, the Superintendent of the State Police and governor appointees from the coal industry, the UMWA and "the largest citizen action group." I am Governor Manchin's citizen appointee if confirmed by the Senate next week.

Prior to our first meeting, I received a letter from a United Coal Company attorney asking us to hear the company's petition to incorporate a portion of several routes in Randolph County into the CRTS at our first meeting. I wasn't exactly surprised by what I interpreted as a request from the company to circumvent the designation process. Typical coal company, I thought, thinking it is above the law. I wasn't surprised, but I was pissed.

I crafted a response, making it clear that I felt that the attorney's suggestion to forgo the designation process, which includes conducting a public hearing in Randolph County, was without merit, not to mention a dereliction of our duties and responsibilities, as well as premature since the governor's appointees have not yet been confirmed. Anticipating the worst, I was relieved when there was no serious attempt to push through any designations at our first meeting this week.

While I have no way to know if my initial response to the company's request had any impact, I came away from that first meeting confident I had made my position clear and that the designation process will be followed. However, I find the responsibilities as a committee member somewhat daunting and feel conflicted about my role in a process that may be only delaying the inevitable – allowing more dangerous, overweight – though technically legal – coal trucks on even more West Virginia roads.

Health Care Bill Going to Conference

by Gary Zuckett, garyz@wvcag.org

HB 4021 will be going to a conference committee to work out differences between its House and Senate versions. The Health Care expansion group is rumored to be expanding itself to include representatives from PEIA, CHIP and DHHR in addition to the Insurance Commission and Health Care Authority. The governor's \$99 bare bones health insurance, pilot clinic program and CHIP expansion are still in. Hopefully the bill will come out of the conference committee intact.

Wage Bill Diluted

by Ted Boettner, ted@wvcag.org

On Thursday, the House of Delegates passed HB 4023, which would raise the minimum wage to \$5.85 an hour this June, followed by an increase to \$6.55 in 2007 and \$7.25 in 2008. As we stated last week, this bill has severe limitations. According to its sponsors, the bill will only affect "1,500- 3,000" of the 20,000 West Virginians receiving minimum wage and its passage is more "symbolic" than anything.

We live in discouraging times when the powers that be placate low wage earners with symbolic gestures instead of giving them a hand up. While this bill started off with good intentions, its ending is turning out disappointing. Although many delegates, including its sponsors, fought diligently for the bill and wanted to see the bill extend to all minimum wage earners, it's somewhat indicative of what happens under the dome. Anytime legislation comes up that might benefit the general population, big business steps in and weakens it so much that it proves utterly ineffective.

I've never been in a committee meeting, either on the house or senate side, where the central organizing principle was not "how is this going to effect business [managers & owners]." Leadership never says, "how will this bill promote the common good?" or, "how will this legislation affect the majority of West Virginians?" This is just not part of the equation; you have to make certain state fiscal policy benefits the rich and powerful or just not getting it.

Sorry for the digression. The bill was sent to the Senate and triple referenced to the Labor, Judiciary, and Finance Committees where it should be able to squeak by sometime early next week.



Those who can
make you believe
absurdities can
make you
commit
atrocities.
-Voltaire,
philosopher
(1694-1778)

Paper Trail Saved!

by Julie Archer, julie@wvcag.org

The legislative process bares little resemblance to what you were taught in your 8th grade civics class, and often reason and logic do not prevail under the gold dome. However, what started out as a sneak attack by the county clerks to effectively do away with the voter-verifiable paper trail, turned into a debate in the House Judiciary Committee that exemplified the democratic process at its best. On Monday we learned that the committee was considering originating a bill to eliminate the requirement that the voter-verifiable paper ballots be counted in the post election canvass and requested recounts. Having this requirement during the canvass is essential to test, through a random selection of precincts, whether the paper result is the same as the electronic result *and* give voters confidence that their vote is being counted accurately.

Consideration of the bill was delayed giving us time to notify you – the grassroots. Before the Tuesday morning committee meeting, several members had already gotten calls about the bill, raising concerns and prompting a line of questioning that led ultimately to its sound defeat. Committee members saw through the clerks' misplaced confidence in the voting machines, and in some cases just plain laziness, and sent a clear message that the accuracy of the vote count and voter confidence are most important.

Thanks to Hedda Haning for calling WV Citizens for HAVA into action, and to everyone who contacted House Judiciary Committee members about the bill. Thanks also to Delegate Bonnie Brown and others for asking all the right questions, to Delegate Mike Caputo for trying to make a bad bill better, and to Delegates Tim Armstead, Robert Schadler, Bob Tabb, Carrie Webster and anyone I may have forgotten for speaking against the bill. It was nice to have a victory for a change!

Asbestos & Silica Bill Dead

The industry bail-out bill that limited the rights of victims injured by deadly asbestos or silica died on Wednesday along with all bills that failed to pass out of their originating body (House or Senate). An effective coalition of labor, consumer attorneys and citizen groups held off this attempt to withhold compensation to victims of intentional exposure to these deadly substances.



In this possibly terminal phase of human existence, democracy and freedom are more than just ideals to be valued - they may be essential to survival. - Noam Chomsky

Reform Only When Corruption Prevails?

by Julie Archer, julie@wvcag.org

The WV Public Campaign Financing Act did not make it back onto the Senate Finance Committee agenda this week, however, we can take pride in the continued progress we've made in advancing Clean Elections this session. The Finance Committee got its first real exposure to the concept, and Chairman Walt Helmick is on record saying that campaign finance reform will be given serious consideration next year. Next year we will hold Senator Helmick to his commitment.

In the meantime, here's an "insiders" take on the Vermont spending limit case currently before the Supreme Court. Like Maine and Arizona, Vermont has public financing. It also has contribution limits ranging from \$200 for House races to \$400 for statewide races, and strict mandatory spending limits which have been upheld by the lower courts. The Supreme Court's decision is expected in June.

"Vermont's comprehensive campaign reforms came in for hard questioning in the U.S. Supreme Court [Tuesday], but the Court arguments only underscored the fundamental values at stake: the belief that government must be responsive to voters, not to moneyed interests that fund campaigns; that elections must be open to broad participation and competition, not controlled by massive campaign war chests that leave so many elections effectively uncontested; that elections should be about finding the best representative, not the best fundraiser.

"Debate over these values was on display in much of the questioning, such as Chief Justice Roberts' suggestion that Vermont should not be permitted to enact reforms aimed at deterring corruption because the state has had no bribery convictions. Regardless of bribery convictions - which the Court never before has required as a pre-condition for campaign finance regulation - Vermont has seen extremely disturbing examples of how the need for campaign cash compromises the independence of officeholders. For example, the Vermont Senate President refused to sponsor a food-labeling bill, even though he agreed with it on the merits, because "I can't afford to lose the food manufacturer money." If these and other troubling examples of money-driven decision-making are insufficient, the result will be a true Catch-22 for campaign finance reform: a state will be permitted to enact reforms only if it is so permeated by corruption that there is virtually no possibility it will enact the reforms in the first place.

"One revealing point came when Justice Stevens asked James Bopp, attorney for Vermont Right to Life, whether he was arguing that the Constitution entirely forecloses campaign spending limits, regardless of how strong the evidence demonstrating the need for them. His answer was "no," and a number of the Justices appeared to agree. If so, the terms of the debate clearly have shifted from the assumption that *Buckley v. Valeo* automatically invalidates any limit on candidates' campaign spending, a shift reflecting over a decade of efforts by NVRI and its allies seeking to revisit the issue. (From a *National Voting Rights Institute E-News Update*. More info can be found at www.nvri.org.)

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.

Black Diamonds Premieres

March 11: 7 p.m. West Virginia premiere of "Black Diamonds - Mountaintop removal and the fight for coalfield justice." For more info, please visit www.blackdiamondsmovie.com. The film screens at the LaBelle Theatre/Museum, 311 D Street. South Charleston. See www.geocities.com/scmuseum. Admission is a \$2.00 donation to the museum.

Values and the Future of Our Freedom

March 30: WV Council of Churches event featuring author and singer Si Kahn, dinner and a panel discussion, 5 - 9PM, Baptist Temple, Charleston. Dr. Kahn will discuss the link between faith response and the future of freedom and also be available to autograph his new book, *The Fox in the Henhouse: How Privatization Threatens Democracy*. Advance registration required for dinner. Please visit www.wvcc.org or call 344-3141 before March 27.



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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!



**WV Citizen Action Group's
Annual Spring Dinner**

Friday, April 7 ~ Coonskin Park Clubhouse

**If you've been there, done that, you'll want to
do it again this year!**

5:30 PM - Reception with music and hors d'oeuvres
Bid on interesting & eclectic items in Silent Auction

6:00 PM - Buffet/Drinks/Mingling/Great Food
Sample taste delights from our expansive buffet

7:30 PM - Annual Awards:

In Defense of Democracy

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Keynote Speaker

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on the role and the relevance of the progressive
movement in West Virginia**

For more info, call 304-346-5891 or e-mail
linda@wvcag.org. Tickets ~ \$35/person