



Capital Eye

VOLUME 6 NO. 9 April 2006

In This Week's Issue:

Good, Bad and Lots 'O Ugly in the 2006 Legislative Session

Help Us Keep the Lights on : Come to the CAG Fundraiser on April 7!

Join Us On April 7th

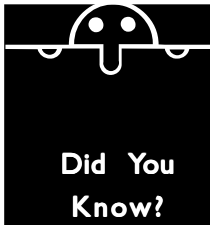
Call it the social event of the season. Call it a good time to meet up with old friends. Call it whatever you want but please plan to attend the Annual CAG Fundraiser at Coonskin Park Clubhouse in Charleston on April 7th!

This year's keynote speaker is sure to capture your attention. When we asked radio talkshow host Hoppy Kercheval to keynote our event he said, "Are you sure?" If you listen to Hoppy's program you already know that he has a conservative slant to his journalism and does not always side with the "left." So we thought it would be interesting to our audience to hear Hoppy's perspective on the progressive movement in West Virginia. Since we see Hoppy on a daily basis at the Capitol during the Legislative Session, we know he is always interested in and aware of our issues and thought he would be a stimulating addition to this year's program. We think you'll agree.

We will also honor three of the best in WV's progressive movement: Robin Godfrey with Patriots for Peace, Dave Peyton with *the Charleston Daily Mail* and Rick Wilson, WV coordinator of the American Friends Service Committee (ASFC) Economic Justice Project.

For the \$35 ticket price you will enjoy our wonderful buffet and dessert bar and help support our work at WV-CAG. The money raised at this annual event truly allows us to make ends meet, especially after just coming out of a labor-intensive legislative session. Plus Coonskin Park is a great place to welcome spring. If you can't attend, please consider sending us a contribution or buying a ticket so someone else can attend. If you live outside Charleston and need a place to spend the night, give us a call. Also, if you have anything you would like to donate to the silent auction, let us know.

The doors open at 5:30, dinner starts at 6:00 and our program starts around 7:30. There's still time to reserve your ticket. Call us at 346-5891 or 1-866-WVB-FAIR (toll-free) or e-mail linda@wvcag.org. See you there!



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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Our members work
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about key public
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from environmental
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Wrapping the Session

by Norm Steenstra, norm@wvcag.org

Most of our readers probably have a good sense of what did and did not occur during the recent legislative session, so I'll share some "big picture" observations. Combine an election year tendency to do very little with a lame duck Speaker of the House and the result is a lot of fluff, hot air and bridges named after people you never heard of.

Some baby steps toward some good ideas did happen though. The passage of a bill to raise the minimum wage, although certainly not as inclusive as we hoped for, laid the groundwork for future living wage campaigns. Our two big bills, Clean Elections and the Bottle bill, inched a little closer and we'll bring them back next year.

Like the minimum wage bill, some good concepts were included in the Health Care Reform bill including a potential for eventual universal health care for all West Virginians.

Largely due to the efforts of the West Virginia Environmental Council, whose lobby team members included CAG staffers Ted Boettner and Julie Archer, the Department of Environmental Protection and the Health Department are now required to study of the potential health risks from mercury. DEP is also mandated to examine the availability and cost of technologies to limit mercury emissions. This is good! Our state has been in denial for the past 35 years as to the dangers of mercury emissions from coal-fired power plants.

Speaking of coal, the legislature refused to examine coalfield safety issues such as coal impoundments, coal dust and drinking water contamination. Perhaps the worse legislative deed this time was giving the timber industry a large tax cut. Currently the industry pays NO taxes to the state's General Revenue Fund and all of its severance tax goes directly to the Division of Forestry which does very little except promote more timber cutting and fight forest fires. So now you, the taxpayer, will pay more for those "services" and big timber will pay less.

Overall, the Session was a mixed bag. Some good policy advanced, some bad policy continued. If you're not pleased with how state government performs, remember the most effective lobbying you can do is on Election Day - **May 9th.**

Coal Haul Roads: More on Proposed Expansion

by Julie Archer, julie@wvcag.org

In the last edition of *the Eye* I wrote about my recent appointment to the Coal Resource Transportation Designation Committee (CRTDC). The CRTDC met on March 29 and listened to two presentations on routes that coal companies in Randolph and Nicholas counties would like to have added to the existing Coal Resource Transportation System (CRTS).

In Randolph County, Carter Roag, a United Coal Co. subsidiary, wants to use bigger and heavier trucks on approximately 18.5 miles of roads, including portions of County Routes 20, 34, 34/4, 35, 42 and 46. The Division of Highways (DOH) has completed a preliminary evaluation of the roads and has estimated that approximately \$3.8 million would be needed to fund improvements to make them “safe and sufficient” for a legal weight limit of 120,000 pounds.

Chicopee Coal Co. also wants to use larger, heavier trucks to haul coal in Nicholas and Clay Counties. The proposed additions to the CRTS include portions of Clay County Routes 16/29 and 1/16 and Nicholas County Routes 20/21 and 20/1. The estimated cost for these improvements is \$6.2 million.

Public hearings will be held on both proposals (most likely in May or June), followed by a 30-day public comment period. We’ll keep you posted. In the meantime, if you would like more information on these proposed projects please feel free to contact me at 346-5891 or julie@wvcag.org. Copies of the draft evaluations can also be requested from the DOH.

Very Important Primary Election

The Primary Election is May 9. For most people it’s hard to get excited about an off-year primary. However, this may be the most important primary in more than a decade because there is a real possibility that a progressive Democrat can be elected Speaker in December by House Democrats. Therefore, it is critical that progressives are nominated in May and then elected in November.

The WV-CAG Board predicated its endorsements on how candidates are likely to vote in the Speaker’s race. Remember - the Speaker rules the House! We do not have a political action committee (PAC) and therefore cannot make campaign contributions. Our ability to communicate with voters is limited to our membership. However, our members include activists and people of conscience from every county in the state. We encourage you to support our endorsed candidates at the polls, as well as volunteer and make personal financial contributions. If you would like us to let you know about volunteer opportunities or fundraising or other campaign events, please call 346-5891 or e-mail norm@wvcag.org.

Closer, but Still No Cigar

by Julie Archer, julie@wvcag.org

Unfortunately another legislative session has come and gone and we are still without a public financing system in West Virginia. That's the bad news. The good news is we got closer to passing Clean Elections than in any previous session. SB 124, the WV Public Campaign Financing Act, was voted out of Senate Judiciary; and for the first time, Senate Finance Chairman Walt Helmick allowed a discussion on the measure. The bill was on the committee's agenda so members could hear testimony from Todd Lang, Executive Director of the Citizens Clean Elections Commission in Arizona, one of the nation's pioneering Clean Elections states.

There was no discussion of our legislation, however, which in many ways mirrors Arizona's, and SB 124 was not put to a vote. We believe we had the votes, and even Senator Helmick acknowledged that Todd's presentation "may have answered many critics' questions." It was dramatic when so many of us walked out when it was clear no vote would be allowed. Hopefully the committee took notice! Helmick told the Associated Press, "I think next year is the year that campaign finance will be looked at very strongly." Helmick is now on record saying that campaign finance reform will be given serious consideration in 2007, and we need to hold him to it.

In addition to the progress made on Clean Elections, SB 285, providing a one-time allotment of a million dollars to jump-start the Clean Elections fund from the sale of unclaimed property, passed the Senate, and came very close to passage in the House. We even had a victory in the House Judiciary Committee when an amendment to strip the bill of this provision failed on an 8 to 15 vote. As funding has proven to be a major stumbling block for advancing Clean Elections, SB 285 would have at least partially addressed that issue in advance of next year's session. Unfortunately, lobbyists for the retailers and credit card companies who opposed a provision in the bill dealing with gift cards were able to get House leadership to pull the bill and place it on the "inactive" calendar on the session's last day.

Thanks again for your calls, e-mails and letters of support to legislators. We're also pleased that so many of you attended the meeting of the Senate Finance Committee when Todd Lang spoke. Thanks again to the Reform Institute in Alexandria, VA for sponsoring Todd's visit. Thanks to all the groups who sent out action alerts — including the American Federation of State, County and Municipal Employees (AFSCME) Local Council 77, the Legislative Action Team on Children and Families, the Monongalia County League of Women Voters, National Association of Social Workers-WV, WV Environmental Council, Ohio Valley Environmental Coalition, WV Democracy for America, and anyone I may have inadvertently forgotten or been unaware of. And last but not least thanks to all of our legislative sponsors and supporters for their continued willingness to champion this progressive reform aimed at changing the status quo.

A Mixed Bag of Health Care Reform

by Gary Zuckett, garyz@wvcag.org

HB 4021, the Health Care Reform Bill, passed on the session's last day. Its four basic parts range from very good to hopeful to dubious. Clearly, its best part is the expansion of the Children's Health Insurance Program (CHIP). Over the next several years an additional 4,000+ West Virginia children will get health insurance through this expansion to achieve a 97% coverage rate.

In the "Questionable But Let's See How It Turns Out" category is the establishment of an Interagency Health Council, rather than an independent commission, to study future health care reform. The Council is comprised of the directors of the Health Care Authority, the Insurance Commission, DHHR, PEIA and the CHIP program. The problem with the Interagency Health Council is twofold. First, agency heads do not have a proven track record for recommending systemic change, which is what is needed. For example, both PEIA and DHHR representatives have seats on the Pharmaceutical Cost Management Council. Their role has been to constitute a quorum and offer technical assistance.

Gone from the final version of HB 4021 was the House's original requirement directing an independent commission to recommend how to have universal primary and preventive health care by next session. However, without the establishment of the Interagency Council, there would not be a continuing process for state government to study and recommend additional reforms.

The third portion of HB 4021 establishes a pilot project for eight clinics around the state. These clinics would be allowed to sell prepaid primary and preventative care to uninsured individuals or businesses that currently do not provide health insurance to their employees. While the establishment of the pilot project is a step in the right direction, even if it is wildly successful, it will only be a small piece of the health care puzzle.

The fourth piece of HB 4021 allows the insurance industry to sell limited insurance policies. These policies are expected to cover primary and preventive care with very limited access to specialist or hospital care. The legislation does not require these limited policies to cover pap smears, mammograms, colorectal screens or childhood immunizations that all other insurance policies must cover.

All told this legislation will increase health care access but falls short of the bold vision outlined in the bill that emerged from the House Health & Human Resources Committee. Much credit must be given to committee chair, Delegate Don Perdue, and others for pushing the envelope on this critical public policy.

This was condensed from a much more comprehensive analysis available from West Virginians for Affordable Health Care. The full document is available on their web page www.wvahc.org.

Sludge: The Good, the Bad, and the Ugly

by Ted “Eastwood” Boettner, ted@wvcag.org

It would be easy to fill this space with all the disappointments during this past legislative session regarding sludge legislation. In fact, it could probably take up the entire newsletter. Therefore, I think I will try something a little different. Instead of concentrating on just the bad news, let’s take a cue from that famous (anti-war) spaghetti western – *The Good, the Bad, and the Ugly*.

The Good: During the 60 day session we had a few accomplishments. First, we drafted and introduced the first sludge safety bill (H.B. 4583). If passed, this bill would have stopped DEP from issuing permits to construct sludge ponds, banned coal mine waste injection, and would have produced a study on exiting sludge ponds. We also introduced two study resolutions (H.C.R. 89 & S.C.R. 49) that would have explored alternatives to coal impoundments and studied coal impoundments. This legislation, along with the repeated and poignant testimony of those directly affected by sludge, did raise awareness of the issue of sludge safety.

One of the great highlights of this past session was the intrepid and moral leadership of Del. Larry Barker (D-Boone). Barker was not only the lead sponsor on both pieces of legislation, but spent a tremendous amount of his time convincing other delegates to support sludge safety legislation. Those concerned about sludge safety owe a great debt of gratitude to Del. Barker, who carried the torch amid strong odds and powerful interests. Thank you, Delegate Barker.

The Bad: This is the easy part. While many coal field residents are living in daily fear of looming sludge impoundments and drinking water containing sludge, the legislature decided it wasn’t a big enough problem to move sludge safety to the agenda. Despite the sludge bill being introduced in the middle of the session, the House Judiciary Chairman could have placed it on the agenda. It was decided that there were “too many powerful interests” to let this happen and that we’d be better off with a study resolution but neither moved out of Rules Committee. This is where the ugly comes in.

The Ugly: During the end of the session, when the sludge bill had already died, coalfield residents were told that our study resolution (HCR 89) would move to the special calendar where it would be voted upon. However, this promise fell apart when our resolution was sacrificed in an agreement to allow an amendment regarding overweight coal trucks to reach the floor.

The ugliest part about this episode was witnessing what ethicist and scholar Harry Frankfurt calls “bullsh**ing.” According to Frankfurt, a bullsh***er is worse than a liar because he does not care about the truth and is only seeking to impress.

Despite these setbacks, we will be back in the interims and next year pushing sludge safety closer to the agenda. Until then, let’s keep the pressure coming.



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

THANKS!