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Surface Bill of Rights Target of “Dirty Tricks”?

By Gary Zuckett, [garyz@wvcaq.org](mailto:garyz@wvcaq.org)

Most everyone agrees this is a slower session than usual. But things began heating up for us at close of business Thursday.

After working diligently lining up sponsors for our Surface Owners’ Bill of Rights legislation in both houses, we were caught off guard to find it had been “accidentally” sent down to bill drafting by persons unknown and would be up on the House floor without our full list of co-sponsors today!

Thanks to quick action from our lobby team and assistance from House Majority Leader, Joe DeLong, all our House sponsors were added when the bill was reported to the floor. When this type of thing happens it’s either a simple error or the opposition is playing dirty pool.

Speaking of the opposition, we’ve heard they are so concerned about this bill they have signed on several extra “hired guns” (lobbyists who will work for the highest bidder regardless of the merit of their assignment) to help kill the bill. Maybe this is their first salvo...

Anyhow, the Surface Owners’ Bill of Rights is out in the House (HB 4286) and was double-referenced to the Committee on Industry & Labor/Economic Development & Small Business, and then on to Finance. It is being sponsored by Delegates Burdiss, Brown, Eldridge, Moore, Guthrie, Wells, and M Poling. They deserve a big “thank you” from citizens for being willing to take on Big Oil & Gas and stand up for the property owners’ rights.

The Senate version should come out Monday or Tuesday. Check out page 4 of this issue of the Capital Eye for more info on WVSORO Day (February 6).

Much media attention this week has been on the continuing saga of Supreme Court Justice Spike Maynard, who is up for reelection to a 12-year term this year, partying on the Mediterranean with Don Blankenship, CEO of Massey Energy, which has a multi-million dollar appeal before the court. Even the New York Times raised its eyebrows at this one and Spike was finally forced to recuse himself from the pending case. However, calls for Justice Brent Benjamin, elected in 2004 with over \$3

million of campaign help from Blankenship, to also recuse himself have fallen on deaf ears as Benjamin insists that even all that money will not sway his court decisions when hearing a case involving Massey. “Methinks the gentleman dost protest too much!”

Two of our highest court’s justices now have “mud” on their black robes and the integrity of the court is being questioned in the minds of many of our state’s citizens. State voters this fall will have a chance to correct at least one of the smudges on this court. Two long-time CAG supporters filed this week for the two Supreme Court positions that voters will fill in November.

Bob Bastress, a constitutional scholar who teaches at WVU and has written volumes on the state’s Constitution, held a press conference this week at the Capitol to announce his campaign. He spoke out against the type of impropriety displayed by Maynard and Benjamin and vowed to bring integrity and constitutional justice back to the court.

Margaret Workman, who was the first woman elected to statewide office when elected to the Supreme Court in 1988, announced yesterday saying, “I believe I can help restore stability, respect and a higher level of discourse to the court.” We wish them both success in their campaigns.

**February 22, 2008 – WVEC’s annual E-Day at the Capitol. Located in the House & Senate halls and around the well. From 10:00 a.m. ~ 2:00 p.m. Environmental & sustainable business displays, citizen lobby day, press conference and more. To reserve tables for your organization or sustainable business contact: Denise Poole, (304) 414-0143 or [deniseap@earthlink.net](mailto:deniseap@earthlink.net).**

**February 22, 2008 – WVEC’s E-Day evening benefit reception.** To be held at the Woman’s Club, located on the corner of Elizabeth Street & Virginia Street, Charleston. From 6:00 pm till 10:00 pm. Highlights include: 2008 Environmental awards bestowed; live music; delux soup & salad bar buffet dinner and more. Cost: Donation of \$15 or above. For more information: WVEC office, (304) 414-0143 or e-mail [deniseap@earthlink.net](mailto:deniseap@earthlink.net).



Consider the trees. They have no legs to run with.

## Clean Elections Update

By Carol Warren, Citizens For Clean Elections

Julie Archer and I have been busy talking to members of the House Judiciary Committee this week in preparation for our meeting with Judiciary Chair Carrie Webster on Monday. Delegate Doyle, our lead sponsor in the House, will join us at that meeting. We plan to talk with her about strategy and seek her suggestions for moving the bill in Judiciary and in the House in general.

Please help us in contacting Judiciary members, especially if your own Delegate is on the committee! Delegates Ellem, Lane, Brown, Moore, and Fleischauer are sponsors on Judiciary committee, so please thank them for their support. Delegates Proudfoot, Burdiss, Guthrie, Kessler, Shook, Pino, Tabb, and Hamilton seem inclined in our direction, but would definitely benefit from friendly contacts.

On Tuesday, I made a presentation including an explanation of the proposed public campaign financing bill to the Affiliated Construction Trades Board. They voted to reaffirm their support for the measure again this year, for which we are very grateful! Steve White of the ACT Foundation has been an active and helpful member of our coalition from the very beginning of this effort.

A **very special event** is planned for February 28! Senator Jon Hunter, a dedicated Clean Elections supporter, has agreed to join us for a reception honoring him and his work! The event will be held at the Charleston Woman's Club, on the corner of Virginia and Elizabeth Streets from 6:00 to 8:00 PM. Mark your calendar now and plan to attend! If there are particular people you feel should be invited, please let us know. The event will be a fundraiser in support of our new Challenge Grant.

We have been given the opportunity to receive a one-to-one match if we can raise \$15,000 by April 1, 2008. (Yes, we were able to have the deadline extended one month!) These challenge grants are the main source of funding for our clean elections work, so meeting the goal is extremely important. **Your help would be greatly appreciated!**

Unable to attend? Contributions may be sent to OVEC (P.O. Box 6753, Huntington, WV 25773) or WV Citizen Action (1500 Dixie St., Charleston, WV 25311).

## House makes progress on stimulus; Senate likely to address omissions

House negotiators have agreed on an economic stimulus package that includes a mix of tax rebates for working families (including, despite Republican objections, as many as 30 million low-income workers who don't pay

income taxes) and corporate tax breaks. The plan would:

- Put hundreds of dollars into the hands of 117 million Americans – who will spend it into the economy;
- Significantly expand the child tax credit;
- Help Americans in danger of losing their homes because of the mortgage crisis; and
- Promote small business investment, which will produce new jobs

The Senate is expected to move on its version of the package next week. Unemployment insurance extensions, which are critical to an effective stimulus, were dropped from the House version, apparently in order to get Republican support for rebates for low-income workers. *CongressDaily* reported this morning that there is widespread agreement on the need for unemployment extensions, so they're likely to be in the final package. Congressional Quarterly reported yesterday that Sen. Baucus also wants to add a boost in federal Medicaid payments to the package. It is our understanding that, despite early appearances of a disappointing negotiation result, House and Senate Democrats are working toward a good stimulus package that includes much of what we've asked for.

Left out of all this, unfortunately, is temporary fiscal assistance for states, so calls in favor of such assistance is a top priority.

**Please call your representative now, toll-free, and urge him/her to support a stimulus package that will work: 1-800-965-4298. Ask them to send money to the states so they don't have to cut back programs for average people – and make the recession worse.**

What we really need is a permanent economic stimulus package that includes health care for all, cradle to grave education opportunities for our youth and investment in renewable energy to free ourselves from dependence on foreign energy sources.

**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](mailto:linda@wvcag.org) **What do you think of our new format? Let us know what YOU want. Our members are important to us. Send your comments to [linda@wvcag.org](mailto:linda@wvcag.org) or call us at 346-5891 or 1-866-WVB-FAIR.**

**THANKS!**

## First Friday ~ February 1

Stop by the CAG office at 1500 Dixie St, in Charleston on Friday, February 1 for our Happy Hour alternative. Free but please BYOB and a snack to share. This is a great time to catch up with friends and enjoy the company of like-minded folks. For more info, call 346-5891.

## Free Movie Night!

**February 6: 5:30PM** at Taylor Books. Free movie – **“Field of Flowers”**. A video by Jude Binder addressing domestic violence.

Jude will present the film and lead the post-film discussion. Field of Flowers combines song, drama, dance, animation and masks with poetry and symbolism to convey the breadth and depth of the impact of domestic violence.

This film shows a fantastic world of timeless drama that fuses personal testimony, historical court records and artistic invention to link the phenomenon of domestic violence to the universal human struggle for freedom from violence and shame. Field of Flowers features the work of Jude Binder, Gideon Kendall, David Wall, Ethel Caffie-Austin, Neil Grahame, Ilene Evans and Ira Bernstein. Field of Flowers is a collaboration of Heartwood in the Hills and the West Virginia Coalition Against Domestic Violence.

Sponsored by WV Citizen Action Group and WV Patriots for Peace. Call 346-5891 for more information.

## WILD MONONGAHELA

WV 'S CONGRESSIONAL DELEGATION  
ANNOUNCES INTENT TO INTRODUCE  
WILDERNESS LEGISLATION FOR THE MON  
*From the WV Wilderness Coalition*

This week, after years of grassroots initiative to protect wild lands in the Monongahela National Forest, the WV Wilderness Coalition announced that West Virginia's Congressional Delegation is ready to introduce Wilderness legislation in Washington, D.C.

"But as West Virginians, we are intimately connected to our land," Representative Nick Rahall said in a recent article in the *Charleston Sunday Gazette Mail*. "We know that we will be judged by future generations on our stewardship of this land that is West Virginia."

This is great news for areas slated to be protected by the legislation including **Roaring Plains West, Cheat Mountain Spice Run, Big Draft and Expansions to Dolly Sods, Cranberry and Otter Creek**. The passage of the Wild Mon legislation will assure that these areas stay just as they are for current and future generations to enjoy, Wild and Wonderful!

Unfortunately, some critical wild places are currently left out of the proposed legislation. Among others, **Seneca Creek, East Fork of Greenbrier**, and thousands of acres in **Roaring Plains** are not included in the bill and thus will remain unprotected from logging, energy development and road-building unless we push Congress to add them to the current legislative proposal. Since the introduction of the Citizen's Wilderness Proposal in 2004, our message of conservation has been clear and our volunteers have worked too hard for the future of these areas to remain uncertain.

**Please put in a quick phone call to your Senators and Representative in Washington D.C. and let them know:**

1. You support the proposed wilderness legislation announced in the January 20 *Charleston Sunday Gazette-Mail* article.
2. You hope that the legislation will be improved by the addition of **Seneca Creek** (Congresswoman Capito's District 2) **Roaring Plains North and East** (also District 2) and **East Fork of Greenbrier** (Congressman Rahall's District 3).
3. If you like, tell them why wilderness areas are important to you.

**The Honorable Robert C. Byrd** : (202)-224-3954

**The Honorable John D. Rockefeller IV** : (202) 224-6472

**The Honorable Nick J. Rahall II**: (202) 225-3452

**The Honorable Alan Mollohan** : (202) 225-4172

**The Honorable Shelley Moore Capito** : (202) 225-2711

While we commend the members of our delegation for striving to protect tens of thousands of additional acres in the Mon, we must urge them to consider the pristine mountain streams, wildlife habitats, scenic vistas, and recreational opportunities that remain at risk in these untrammelled wild lands.

For more information, please visit

[www.wvwild.org](http://www.wvwild.org)

## Contact Your Legislators and the Governor!

### WV Senators and Delegates:

The Honorable \_\_\_\_\_  
West Virginia Senate/House of Delegates  
Building 1  
State Capitol Complex  
Charleston, WV 25305  
Call toll-free: 1-877-565-3447  
On the web: [www.legis.state.wv.us](http://www.legis.state.wv.us)

### The Governor's office:

The Honorable Governor Joe Manchin  
1900 Kanawha Blvd East  
Charleston, WV 25305  
Call toll-free: 1-888-438-2731  
e-mail: [governor@wv.gov](mailto:governor@wv.gov)

WV Citizen Action  
1500 Dixie Street  
Charleston, WV 25311

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## More Upcoming Events

**February 5:** House Chambers at 3PM. Joint Judiciary Committee meeting & presentation by John Ferrari with NexCycle on California's successful Container Deposit System. Come out and support the WV Bottle Bill by attending this event. Come early and stay later so you can lobby your legislators. For more info, call Linda at 346-5891 or visit [www.wvbottlebill.org](http://www.wvbottlebill.org)

**February 6:** WV-SORO Day at the state Capitol. This is a good opportunity to tell your legislators how you have been treated as a surface owner. WV SORO Day offers our cause a good chance to bring our issues into the public's notice. We recommend calling your legislators and setting up a time to meet with them. If you would like some help contacting your Senators and Delegates please contact us here at CAG.

### ***WV-SORO Day agenda:***

WV-SORO Day at the Legislature, State Capitol, Charleston

**8AM to 11AM** ~ Gather in Governor's Press Conference Room (located in the Secretary of State's Office, Room 157-K; coffee & danish provided)

**10AM** ~ Press Conference on Surface Owners' Bill of Rights

**11AM to 3PM** ~ Lobbying, Meetings with Legislators

We hope you can attend -- legislators will only

be impressed by a strong turnout. Our lobby team will be available to direct and guide you to the right places. We recommend you contact your legislators in advance to schedule an appointment for that day. Please contact us if you want help arranging your meeting, if you need a ride to Charleston or are willing to bring others from your area. This will be a great opportunity to come down and show support for the Surface Owners' Bill of Rights.



**We Need Your Support**

We can't do it without you!

**Please renew your membership or send a donation.**

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

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

E-mail: \_\_\_\_\_ Phone: \_\_\_\_\_

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 - **THANKS!**

**Donate quickly & securely at [www.wvcag.org](http://www.wvcag.org)!**