



## Capital Eye

Volume 8, No. 5 ~ February 8, 2008

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### Halfway There

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

Yesterday marked the halfway point for the 2008 legislative session. Only one bill has made it all the way through the legislative process to the governor's desk. Everyone agrees that overall it's been a slow session so far, but that's about to change. Remember riding a rollercoaster where the first half of the journey was the slow plodding ascent to the top of the first tower then, all of a sudden, you're whizzing down a steep slope into loop de loops and around hairpin turns? Well, we just crested the top and are looking down...

Actually, here at Citizen Action we have already hit the slippery slope. For the CAG team, this week was a whirlwind. On Tuesday and Wednesday we hosted John Ferrari, President of NexCycle, a big California recycling business who wowed the crowd at a joint Judiciary hearing set up especially to review our bottle bill. Meetings followed with Senate & House leadership and finally taking the message to the governor that NexCycle wants us to pass a bottle bill so they can come into WV and set up operations to provide 200-250 jobs! The governor, who was there with the head of his REAP program, took notice...

Wednesday our landowners' rights group, working to protect surface owners from the ravages of oil and gas drillers, hosted its day at the legislature with a morning press conference attended by diverse media including WV Public Broadcasting and the State Journal. Then the 30-40 citizen activists who came in from a dozen different counties fanned out to track down their representatives to lobby them on the Surface Owners Bill of Rights. We extend a big thanks to all who traveled long distances to tell their tales of abuse by careless drilling outfits. Our efforts to "balance the scales" for surface owners were greatly enhanced by your presence this week. See SORO's web page for recent press coverage. [www.wvsoro.org](http://www.wvsoro.org)

The Insurance Consumer Advocate bill I mentioned awhile back is now out. HB 4466 would create an independent advocate who would go to bat for consumers in rate hike cases and other matters involving insurance

regulation. This office could do for insurance matters what the PSC Advocate has long done for us in utility affairs. It is a much needed change and the sponsoring delegates - Webster, Caputo, DeLong, Fragale, Mary Poling, White, Morgan, Miley, Hrutkay, Proudfoot, and Fleischauer should be commended for going up against the big insurance interests who never cease to find new ways to pick our pockets with their state-sanctioned protection racket. You can read the bill at:

[http://www.legis.state.wv.us/Bill\\_Text\\_HTML/2008\\_SESSIONS/RS/Bills/hb4466%20intr.htm](http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/Bills/hb4466%20intr.htm)

It has been sent to House Judiciary so calls to members of that committee <http://www.legis.state.wv.us/committees/house/HouseCommittee.cfm?Chart=jud> are in order, especially if they are representing your area.

National issues tend to get pushed to the back burner during the session but we must take notice of several DC events. The big news in DC this morning is the passage of the economic stimulus package made necessary by the Bush recession. As I mentioned last week this needed shot-in-the-arm for the national economy may have an unintended backlash for our state budget. According to Ted Boettner, former CAG researcher and now Executive Director of the WV Center for Budget & Policy, West Virginia could see a loss of \$74 million because the state's laws are automatically tied to any change in the federal tax code. To prevent this, a law would have to be passed allowing West Virginia to "decouple" from the federal business tax breaks.

We'll also be working with our national USAction coalition to oppose the cuts in federal programs such as Medicare, Medicaid, housing, education and you name it proposed in Bush's budget which came out this week. The "elephant in the living room" continues to be the cost of the Iraq war WHICH ISN'T EVEN IN THE BUDGET! The red ink bleeding out of Bush's budget is not harming the military slice of the pie that continues to expand even while essential domestic programs get the ax. Watch Ted's new budget group for cutting-edge analysis on both federal and state economic policies that will affect us all. [www.wvpolicy.org](http://www.wvpolicy.org)

As the session continues to pick up steam please consider taking off a day from your usual routine to give yourself a lesson in civics. Come on down to the Capitol and become a citizen lobbyist for a day. We'll show you the ropes and can probably locate a place for you to stay over if it's too far to make it a day trip.

Everyone should see how laws are made – it isn't pretty but it's your government and it needs your guidance from time to time. Contact us at 304-346-5891 or 1-866-WVB-FAIR or e-mail [garyz@wvcag.org](mailto:garyz@wvcag.org) for more info.

## SORO Day Success Despite Weather

By Norm Steenstra III, [norm@wvsoro.org](mailto:norm@wvsoro.org)

WV SORO Day was this past Wednesday, and we would like to thank everyone who came to the Capitol on yet another dreary rainy day, to make it a success. Special thanks go out to Nancy Powers, John Snyder, and Russ Richardson for sharing their stories with the media. We had good coverage with the *Charleston Gazette*, *Register Herald*, the *State Journal*, and Public Broadcasting all in attendance. Public Broadcasting used our SORO Day as its lead segment on its Legislative Update program. Everyone who attended did a great job speaking with his or her various legislators and drumming up more support for our Surface Owners' Bill of Rights.

We have been going over strategies in regards to the legislature and our bills. It looks like HB 4286 will come up in committee next Wednesday, February 13th. It is currently referenced to the House Industry & Labor/Economic Development & Small Business Committee, which is chaired by Delegate Tucker (Marshall). Until then we will be spending time educating this House committee's membership. We really need another push, in the form of letters and phone calls to your Delegates, asking them to strengthen the rights of landowners when they have wells drilled on their surface. The Senate Bill (SB 482) is currently in the Energy, Industry and Mining committee.

The Oil and Gas industry has a powerful lobby at the Capitol. In addition, they are big contributors to many legislative campaigns. Contributions can be made to either directly to "friendly" legislators or to the opponents of ones who they dislike. The "Clean Elections Act" (see next column) would provide an alternative to special interest money by giving a candidate a choice to take public financing instead of raising money. This could help to limit the influence that special interest lobbyists have on our legislators. Getting your legislators to support Clean Elections could help future legislative steps in order to enable and protect our surface property rights.

Since this is an election year, all of us need to carefully consider our legislative candidates. This can be an opportunity to elect legislators who can and will do what their constituents want instead of what special interests want. However this all works out, we will provide a pre-election update to show how your legislators have reacted to our Bill of Rights.

In the meantime, please contact us if you are interested in coming down to meet with your senators and delegates. We would be thrilled to help you make your voice heard at the Capitol.

## Clean Elections Update

By Carol Warren, *Citizens for Clean Elections*

We have spent much of this week talking to House members, especially those on the Judiciary Committee. We believe we now have commitments from a sufficient number of committee members for the bill to be passed out of the committee! We will be checking back with Chair Carrie Webster, as she has had committee attorneys working on answers to some of the financial questions. One of these is an estimate of how much money could be generated by the 10% surcharge on civil and criminal penalties over \$1,000. We will also be connecting with our sponsors in hopes that they will really "champion" the bill as it is discussed. We have now talked to well over half of the Delegates, and have been pleasantly surprised both by the level of openness to the proposal, and by supporters of whom we were not aware.

At our coalition meeting Thursday, we discussed the possibility of having a "Clean Elections Day" at the Capitol. Suggestions included a breakfast and short training like we did last year, and perhaps a press event. We would want to tie such an event to the bill being taken up by the Judiciary committee, and/or the introduction of a resolution to honor former Senator and Clean Elections ally Si Galperin, who passed away last June. **Please watch for further information** in these updates, or contact me at [peacelovemom@gmail.com](mailto:peacelovemom@gmail.com) to be put on the Clean Elections email list.

Julie Archer is in conversation with the organization Justice at Stake, whose focus is passing public financing for judicial elections. West Virginia is one of five states they are considering for an organized campaign. There does seem to be interest among legislators in a judicial bill, but a proposal specific to West Virginia has not yet been developed. We will continue the dialogue with Justice at Stake, to see if they can help us speed that process.

Plans are proceeding for the February 28 fundraising event to honor Senator Jon Blair Hunter. Formal invitations are at the printer and should be going out next week. Volunteers in Charleston to help with the mailing and other aspects of this event would be most welcome! If you can help, please contact Carol at the address above, or Julie at [Julie@wvcag.org](mailto:Julie@wvcag.org). We will also send the invitation electronically so that coalition partners and friends can share the invitation with other supporters. Please do remember to ask people to **RSVP to Marge at Citizen Action (346-5891)**, as it is very important that we know how many to expect.

**Sunday, Feb 10 at 1PM:** *Join the Young Dems on Kayford Mountain. See an active mountaintop removal site and hear from the people who are directly affected. Contact Daniel Chiotos at 304-886-3389 or [danny@seac.org](mailto:danny@seac.org) for more info.*

## Bottle Bill California Style

By Linda Frame, [linda@wvcag.org](mailto:linda@wvcag.org)

This week I had the privilege of accompanying the president of NexCycle, John Ferrari, around the state Capitol. Our agenda was full. We met with Governor Manchin and his representatives, Senate President Earl Ray Tomblin, House Speaker Rick Thompson and legislators from the Senate and House Judiciary Committees and House Finance Committees.

John and I were also guests on Hoppy Kercheval's Metro News radio program, met with the *Charleston Gazette* and *Beckley Register-Herald*, and sat down with members of local Solid Waste Authorities. It was a very full 24 hours.

Our message was clear. A WV Container Deposit Law will not only clean up our roadsides of unsightly litter, it will also bring good paying jobs to West Virginia. John estimates that if West Virginia passes a container law, his company would employ nearly 300 local people. There is a chance that NexCycle would build a processing depot here, too.

NexCycle's presence at the Capitol was a clear indication to legislators and the governor that keeping our beverage containers from being landfilled is a money-making venture and there are companies ready to come here and take advantage of this opportunity.

While he was here only 24 hours, John boosted our campaign's profile. His next stop was Tennessee to do the same mission.

The time is ripe to call Governor Manchin and ask him to support a WV Bottle Bill. Calls to your legislators are extremely helpful at this time as well since there is no doubt the Anti Bottle Bill Coalition (or Pro-Litter Council as I affectionately call them) are now making their rounds to do damage control.

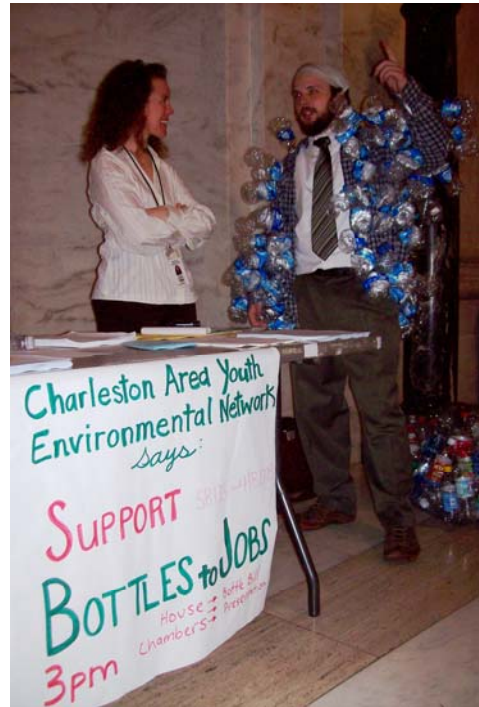
Please make a quick call to House Judiciary Chairwoman Carrie Webster (340-3252) and Delegate Barbara Fleischauer (340-3169) to thank them for their support. Chairwoman Webster made the arrangements for the Joint Judiciary Committee meeting and Delegate Fleischauer tirelessly dedicated her time to attend each and every meeting with John and I to lend her invaluable credibility to our effort. She is a remarkable lead sponsor for our bill.

Other folks who deserve our applause and thanks on the Bottle Bill campaign are the members of the Student Environmental Action Coalition (SEAC) and its leaders Trevor Swan and Dana Kuhnline. With their "Bottle To Jobs" message, they met this week with Governor Manchin and really got his attention. At our meeting two days later, he mentioned their professionalism and on-target message and I truly think SEAC paved the way for us to bring in John. SEAC volunteers staffed a table all day on Tuesday with awesome visuals,

including a shirt decorated with plastic water bottles (see below) and a park bench made from empties.

And last, but not least, thanks to all of you who turned out on Tuesday to hear John's presentation in the House Chambers. This strong showing of public support was very important for legislators to see. THANKS!

When you call your legislators, let me know what they are telling you – this will help us refine our message. More next week!



Trevor Swan and Linda Frame at Capitol on Tuesday, February 5, Photo by Gary Zuckett

## 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@wvgov.org](mailto:governor@wvgov.org)

*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* online, or would like to send us your comments, e-mail [linda@wvcag.org](mailto:linda@wvcag.org) or call us at 346-5891 or 1-866-WVB-FAIR.

Thanks to all of you who have updated your memberships. Since we are doing weekly newsletters, if you have sent us an updated address, please allow a week or two for it to take effect. Thanks!

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**Charleston Gazette ~ February 6, 2008  
Obama would win state, straw poll finds**

Barack Obama would run away with West Virginia's presidential vote, if an Internet straw poll conducted Tuesday night by two local groups were the real thing.

While voters across the nation cast ballots in the Super Tuesday primaries, more than 1,200 people cast straw ballots for their favorite Democrat, Republican and Green Party candidates at [www.votewv.net](http://www.votewv.net), run by Patriots for Peace and the West Virginia Citizen Action Group.

"We felt we were being left out of the presidential primaries and Super Tuesday. So we wanted to give people their own Super Tuesday," said the Rev. Jim Lewis of Patriots for Peace. Obama, a Democratic senator from Illinois, won 344 votes - more than all Republicans combined. He was trailed by Sen. Hillary Clinton, D-N.Y., and former Sen. John Edwards, D-N.C., who has dropped out of the race.

On the Republican side, longtime Texas Rep. Ron Paul - who finished last in West Virginia's actual GOP convention Tuesday - finished first in the Patriots for Peace/CAG poll, with 32 percent of the Republican vote. Former Massachusetts Gov. Mitt Romney finished second, followed by former Arkansas Gov. Mike Huckabee (West Virginia's actual convention winner) and Sen. John McCain, R-Ariz.

"We are trying to get people interested in this election, especially in the connection between the war and the economy," Lewis said. "Most of the media has been saying it is the war or the economy. We are saying the two issues are tied together."

**View the straw poll results at:**  
[http://votewv.net/final\\_totals.php](http://votewv.net/final_totals.php)

**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; 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).



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We can't do it without you!

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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)!**