



## Capital Eye

Volume 8, No. 6 ~ February 15, 2008

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### Forty Down, Twenty to Go

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

The session is picking up steam and floor sessions and committee meetings are running longer as we come up against several important deadlines in the legislative process.

Monday is the 41<sup>st</sup> day of the session and the last day to introduce bills in either the House or the Senate. That's fine with me as a search on the legislative web page lists 1,901 introduced so far. However, this cutoff date does not apply to bills that suddenly originate in a committee meeting, so watching committees will become more interesting after Monday's cut off.

Monday is also President's Day and most state employees have the day off. This day is traditionally when state workers rally at the Capitol so I expect to see highway workers, school bus drivers, office staff and lots of other state employees represented by AFSCME, CWA, UMWA, and the new start-up United Electrical workers (UE). When I lobbied for AFSCME a few years back I was shocked to find that some state workers (including some of the ones that get up in the middle of the night to clear and salt our roads) are paid so little that they rely on food stamps to feed their families. This is just plain wrong. State workers deserve a decent wage and the same collective bargaining rights that workers in the private sector enjoy.

Speaking of the private sector, the AFL-CIO's "Worker Freedom" bill is drawing heat from both big business and religious conservatives as it seeks to prevent employers from forcing employees to attend meetings on politics, anti-unionism and religion. Legislators are calling it the "captive audience" bill and the House version (HB 4132) is a captive of a Judiciary subcommittee. The SEIU's Healthy Families Act, HB4447, a measure to provide WV workers with paid sick leave, is also stalled in House Judiciary. Both bills need your calls to committee members (list on next page).

Rumors have it that McDowell Landfill proponents are looking to revive last year's bill that would double or triple the allowed tonnage so daily trainloads of out-of-state garbage can begin filling up the newly opened facility. This is just the scenario that our Comprehensive Solid Waste Act of the early 90's was designed

to prevent and we'll oppose any attempts to subvert it. Stay abreast of all the session's environmental issues by signing up for the WV E-Council's weekly update or reading it online at [www.wvecouncil.org](http://www.wvecouncil.org)

Each session is like a second Christmas for big business as every year they receive gifts from the state. This year's giveaway is a total phase-out of the Business Franchise Tax. Last year they set up a schedule to carve it down to less than half. However, the only good tax is a dead tax to the big corporations and so SB 465 will continue the phase out until it's all gone. No one has said where the state will make up the \$48 million loss in state revenue but if I were you I'd hold on to my wallet. Next, watch for a bill reducing the Corporate Net Income tax and get ready for state services, roads, schools and infrastructure to suffer as tax funds continue to dry up. Remember to check [www.wvpolicy.org](http://www.wvpolicy.org) for more details on these give-aways.

Now for some good news – a poll released this week by our national affiliate indicates that, overall, swing voters are still as fuming mad as they were in 2006 when they sent conservatives packing and turned over Congress to new leadership. This year they are leaning 41% in favor of any Democratic presidential candidate (just 34% are leaning toward Republican candidates). See the Invest in America's Future campaign at [www.USAction.org](http://www.USAction.org) and click on "more details" for the poll results.

Last weekend's AP poll was an eye-opener, too. When asked the best way to stimulate the economy, the majority of citizens said, "bring the troops home from Iraq!" The cost of war is finally sinking in. The people are leading – let's hope our leaders follow.

### Different World For a Couple of Days

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

I had the honor of traveling to Baltimore this week along with Gary Zuckett to talk to folks from other Citizen Action affiliates from across the country.

The similarities between the 24 states who are part of the USAction network outnumber the differences. We are all working to inform the public and our members on the cost of the Iraq War, the need for adequate and affordable health care, and the benefits we could all reap from economic justice. And this conference was a great opportunity for us to brainstorm on how to meet these goals.

Not too long after the Legislative Session ends, we will be focusing on our new Invest in America's Future (IAF) campaign. The idea is to combine many of our federal efforts in a coordinated program in '08 to also include civic engagement and voter registration.

More on this at session's end! Thanks for your on-going support!

## **Clean Elections in House Judiciary Next Week?**

*By Carol Warren, Citizens For Clean Elections*

The House Judiciary Committee may take up the Public Campaign Financing Act (H4050) next week! If you have not made calls or contacted the committee members, **please** do so as soon as possible! A list of the members and their Capitol telephone numbers appears below. Our sponsors are noted by an asterisk (\*). Please thank them for their support and encourage them to speak for the bill.

We spoke with Brian Skinner, one of the attorneys who has been working on a fiscal note for our bill. One of the questions is about the amount of money that could be generated by the proposed surcharge on civil and criminal penalties over \$1000. Unfortunately, the information gleaned from the Supreme Court is not broken down by the amount of the penalty. However, based on the total amount of penalties, the surcharge could generate as much as \$2 million annually. We also finally met with someone in Treasurer Perdue's office about funding from the state's unclaimed property fund.

We have also spoken with Tom Smith, legal staffer for the Senate Judiciary Committee. He reports that Sen. Kessler is still interested in introducing a public financing bill for judicial elections, or amending such a proposal into one of the judicial bills under consideration. We will be working with Justice at Stake and the Brennan Center, whose staff is helping to draft a judicial public financing bill for West Virginia.

We continue raising money for our Challenge Grant, as we can receive a one-to-one match if we raise \$15,000 by April 1, 2008. 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!** If you're unable to attend this exciting event, contributions may be sent to OVEC (P.O. Box 6753, Huntington, WV 25773) or WV Citizen Action (1500 Dixie St., Charleston, WV 25311).

### **Judiciary Committee members:**

Carrie Webster (D – Kanawha): 340-3252  
Bill Proudfoot (D - Randolph): 340-3248  
John N. Ellem (R - Wood) \* 340-3394  
John Overington (R - Berkeley): 340-3148  
Bonnie Brown (D - Kanawha) \*: 340-3106  
Mike Burdiss (D - Wyoming): 340-3111  
Barbara Fleischauer (D – Mon.) \*: 340-3169  
Nancy Guthrie (D - Kanawha): 340-3156  
Lidella Hrutkay (D - Logan): 340-3134  
Melvin Kessler (D - Raleigh): 340-3163  
Marshall Long (D - Mercer): 340-3120  
Linda Longstreth (D - Marion): 340-3124  
Virginia Mahan (D - Summers): 340-3102  
Tim Miley (D - Harrison): 340-3145

Clif Moore (D - McDowell) \*: 340-3189  
John Pino (D - Fayette): 340-3170  
Alex J. Shook (D - Monongalia): 340-3173  
William Stemple (D - Calhoun): 340-3112  
Robert C. Tabb (D - Jefferson): 340-3274  
Scott Varner (D - Marshall): 340-3187  
Tom Azinger (R – Wood): 340-3202  
Bill Hamilton (R – Upshur): 340-3167  
Patrick Lane (R - Kanawha) \*: 340-3275  
Robert A. Schadler (R - Mineral): 340-3191  
Kelli Sobonya (R - Cabell): 340-3175

***Thanks for all you do to support our campaign! Here's more information on the upcoming reception:***

*Citizens for Clean Elections cordially invites you to a fundraising reception honoring Senator Jon Blair Hunter.*

***Thursday, February 28, 2008  
6:00 P.M. to 8:00 P.M.  
Woman's Club of Charleston  
Virginia and Elizabeth Streets***

*Help us create a legacy that will allow Senator Hunter's work promoting public campaign financing and fair & clean elections to continue.*

***"I just think that money has corrupted the democratic process. I think Public Financing is a step toward reversing that."***

**Senator Jon Blair Hunter**

Please RSVP by Monday, February 25  
Contact Marge Michau at (304) 346-5891 or  
[marge@wvcag.org](mailto:marge@wvcag.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@wvgov.org](mailto:governor@wvgov.org)

## Informational Meeting, Possible Public Hearing on Surface Owners' Bill of Rights

Another week at the Legislature has come and gone. We have been lobbying the House Industry and Labor Committee in anticipation that the Surface Owners' Bill of Rights (HB 4286) would come up for a vote this week. Unfortunately, Chairman Ken Tucker (D-Marshall), who supports the bill, did not feel that we had the votes to get it through his committee. Given the misinformation the oil and gas industry has spread among the committee members, he is probably right. Many of the Delegates seemed confused about the bill's purpose and therefore uncertain about whether or not to support it.

Next week, however, we will have an opportunity to clear up the industry's misinformation and properly inform legislators of the bill's intent – to protect surface owners from industry abuses; give them some say in the location of well sites, access, roads and pipelines; and help ensure they receive fair compensation for their losses and inconveniences. Chairman Tucker and Senator Jon Blair Hunter (D-Monongalia), who chairs the Senate Energy, Industry, and Mining Committee, have decided to hold a joint informational meeting of their committees on Wednesday, February 20 from 4pm to 6pm in the House Chamber.

As we go to press, it is unclear whether a portion of the meeting will be devoted to hearing public comments. We'll send out an update to WV-CAG and WV-SORO members via e-mail once we have confirmation. Information will also be posted at [www.wvsoro.org](http://www.wvsoro.org). Public hearing or not, we still encourage your attendance as a strong turnout will show there is interest in and support for giving surface owners more rights. Come early or stay afterward to lobby your legislators.

***Coal River: How a few brave Americans took on a powerful company - and the federal government - to save the land they love.* by Michael Shnayerson  
Reviewed by Frank Crabtree**

Sometimes your favorite book really is the one you've just read. That is certainly the case with *Coal River*, by Michael Shnayerson. Rarely in regionally themed literary work does a writer who's 'not from here' display such sensitivity for the plight and politics of Appalachia. Shnayerson's recent, well-researched entry does this while rendering an almost novelistic feel to the stark story of mountaintop removal mining, its benefactors and the unwilling heirs of its legacy. The book could as well have been subtitled: *The hills are alive with the sound of draglines*.

This book is the fourth for the author, who is also a contributing editor at *Vanity Fair*.

He was a recent guest, along with several of his cast of characters of *Coal River*, on NPR's *The Diane Rehm Show*, an enlightening interview during which he described the remarkable development of this three-year project. (Representatives from the coal industry apparently declined to participate).

Shnayerson's effort fairly reflects his obviously considerable time on the ground in the southern coalfields, as well as in state and federal courts. With these backdrops he chronicles an epic struggle for environmental and economic justice by not-so-ordinary people who risk it all to save their homeland from the seemingly omnipotent coal industry. His real time plot unfolds through the eyes and ears of despoiler and despoilee alike, superceding stereotype to compellingly depict a war of occupation against the environment and its inhabitants, a war with haunting parallels, it too with no end in sight.

The writer's gift for observation and salient reportage allows him to weave together various threads of political intrigue, wending from the governor's office, to the state's highest court, to the halls of captive regulatory agencies where pseudo-science and political expediency hold their greatest sway in more than a century. His on-the-money account of Big Coal's audacious, but apparently prudent, purchase of a state Supreme Court election, and the subsequent chaos in judiciary and political realms, smacks of another Cheney-Scalia duck hunt - only on steroids!

Perhaps most sobering, though, is Shnayerson's account of how, time and again, a rogue extractive industry, enabled by ignorance, intimidation, and virtually unlimited resources, beats down legitimate legal challenge, sometimes even going so far as to assert, successfully, that mountaintop removal need not be halted since there is literally no environment left to protect.

Certainly though, neither *Coal River* nor Shnayerson seem to abandon all hope for environmental justice in Appalachia; its every day heroes persevere, occasionally winning the day to thwart the relentless assault on mountain majesty as we know it. But even as the book's well-developed themes of altruism, corruption and greed (did I mention greed?) are as old as the hills, one is left with the distinct impression that mountaintop removal mining has imbued 'old as the hills' with wholly new meaning.

*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@wvcaq.org](mailto:linda@wvcaq.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!

WV Citizen Action  
1500 Dixie Street  
Charleston, WV 25311

Join us Friday to say yes to the best in our  
American traditions.

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**End the Iraq War! Join us!**

Remind Rep. Shelley Moore Capito we want her to stop supporting George W. Bush's war policies in Iraq, we want the war to end. Rep. Capito will speak at a luncheon Friday, February 22 at the Embassy Suites. We will be outside the Embassy Suites with a clear message – End the Iraq War.

**Where:** Embassy Suites - 300 Court St., Charleston, next to Town Center Mall

**When:** Friday, February 22 at 11:45 am to 1:15 pm (her talk is from noon to 1)

**Sponsored by:** WV Patriots for Peace and WV Citizen Action Group. Please let us know you will be there 346-5891 - Thank You

Our call is backed up by the Rand Corporation's analysis in the *Charleston Gazette* on February 14 which said, "Large-scale military intervention and occupation in the Muslim world is at best inadequate, at worst counter-productive, and, on the whole, infeasible." This war is unwinnable, immoral, and an economic disaster for our state, which has picked up \$1.2 billion of the war's \$500 billion price tag. This translates to \$53 million just from Kanawha County. Our second congressional district could have translated our share of Iraq war spending into:

- 135,701 People with Health Care
- 407,416 Homes with Renewable Electricity
- 111,313 Scholarships for University Students OR
- 41 New Elementary Schools

**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).



**We Need Your Support**  
We can't do it without you!

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

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

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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)!**