



Capital Eye

Volume 8, No. 7 ~ February 22, 2008

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Only the Good Die Young

by Gary Zuckett, garyz@wvcag.org

Wednesday, February 27, is the last day for a bill to pass out of its house of origin and over to the other side or else it's toast. Committees are now frantically working three-page agendas with double floor sessions every day to get bills moving before they die on the vine. Unfortunately this will most likely be happening to much of the legislation we support (see inside for any last minute action items). Even more unfortunately, many of the bills we oppose will still be breathing down our necks.

For instance, the McDowell County landfill is stinking up the halls again this year with a plot to pull the plug on our Comprehensive Solid Waste Law. First, SB 603, the "Open for Garbage" Bill was introduced Monday that tied an across-the-board reduction in landfill disposal fees to the tonnage of trash accepted by the McDowell County Landfill (they still want to fill all those empty returning coal trains with trash)!

Figuring out this approach was probably unconstitutional, SB 770 emerged later the same day without mentioning McDowell County specifically but with all the same reductions in tipping fees that would cut funding for all Solid Waste Authorities, the REAP program, recycling, conservation officers, and everything else funded by these fees. After being taken off the morning agenda at Thursday's Senate Judiciary meeting, SB 770 was not listed for the evening session. However, bills being pushed by leadership tend to follow their own rules. At the very end of its afternoon meeting, Senate Judiciary passed SB 770 without putting it on the agenda. My guess is that by the time you read this it will have passed Senate Finance as well and be on its way to the House of Delegates.

This bill is a disincentive to reduce and recycle by making it cheaper to dump trash in our landfills. It should be called the "Waste Haulers' Windfall Profits Bill" because it'll save haulers millions of dollars in tipping fees with no requirement to pass any of that savings on to their consumers. If the House can't stop this juggernaut it should at least amend some positive sections into it such as "pay per bag" trash disposal or maybe something bigger!

Tax cuts for big business are irresistible during election years as the money-go-round spins public policy. (Need I say more about the need for a Clean Election/Public Financing bill?) The arguments being played out in the Senate are not how do we replace the \$80 million drained from the state budget by eliminating the Business Franchise Tax (SB 465), but whether we should cut it all at once or spread the pain out over a number of years. Combined reporting (SB 680), which started out as a way to recapture WV business taxes exported to low or no tax states through a corporate shell game, is now loaded up with a \$70 million reduction in the Corporate Net Income Tax. With the nation's economy imploding, how will WV keep its nose above the red ink? Watch for several years of belt-tightening cuts for social services, libraries, schools, infrastructure, and state workers as these and other tax cuts come home to roost. Don't believe the discredited Reaganomics theory that tax cuts somehow magically pay for themselves...

When not in session, our legislators meet about once a month for Interim meetings where they deliberate issues they couldn't come to agreement on during the bustle of the regular session. If our issues such as Clean Elections, Bottle Bill and Surface Owners' Rights don't make Wednesday's cut we'll be working hard to have them included in this Interim process which often leads to improved legislation being introduced into the following session. Interims offer a more relaxed and open environment to educate lawmakers on our sometimes complex issues.

Keep a close eye on your e-mail as we'll need your support more than ever during the hectic final days of the 2008 Legislature. If you haven't yet signed up for our electronic action alerts, send a note to Linda@wvcag.org to get on the list.

Last, but not least, we pride ourselves for giving the biggest "bang for the buck" of any lobby effort at the Capitol (short of those tree huggers at the E-Council) but it still takes plenty of dough to mount the "citizen watch" efforts of our team. Please send as generous a contribution as you can to help us maintain our scrutiny of the session. Thanks!

Mark Your Calendar!

It may not feel like it, but spring is right around the corner. That means it's almost time for **WV-CAG's Annual Spring Fundraiser!** This year's event is set for **Friday, April 11** at the Woman's Club on Charleston's East End. While we have moved from our traditional site out at Coonskin Park, we will still have a great party with all the folks you like to mingle with and food you love to eat. We'll have more details in next week's issue!

Clean Elections Update

By Carol Warren, Citizens For Clean Elections

On Monday, Eamonn Donovan from Justice at Stake came to the Capitol to talk to our supporters about a judicial public financing bill. Senator Kessler invited him to make a brief presentation to the Judiciary Committee. The information was well-received and there were a number of good questions, both about a judicial bill and about public financing in general. On Thursday, we received a draft bill prepared by the Brennan Center and gave it to Senator Kessler's staff. While there may not be enough time to do anything this session, the staff will at least have something to build on if there is interest in a judicial bill next year.

On Tuesday, we had our long-awaited (since October) meeting with Diana Stout of Treasurer Perdue's staff. She explained that the unclaimed property account fluctuates from year to year, as they work to return the funds to their rightful owners. The agreement we had with the Treasurer for \$1 million from that fund seems to have been contingent on some other legislative actions, and good for that year only. Ms. Stout was not able to say whether they could commit to any funds this year, but will pass the request along to Treasurer Perdue. Delegate Webster has expressed willingness to send a letter in support of our request.

As we go to press, the House Judiciary Committee is meeting and the Clean Elections bill is on the agenda!

Whether it gets taken up today remains to be seen but we'll give you a full recap in next week's *Capital Eye*.

Don't forget our special fundraiser next Thursday, February 28, honoring Senator Jon Hunter. He will receive OVEC's "Bill Moyers Defender of Democracy Award." The event will be at the Woman's Club, Virginia and Elizabeth Streets, from 6:00 -8:00 PM. You can still RSVP by calling Marge Michau at CAG (346-5891) or email her at marge@wvcag.org. Please come to honor Senator Hunter and to help us meet the \$15,000 goal of our Challenge Grant so we can carry on our work on public campaign financing!

**Published in *The Charleston Gazette*
February 21, 2008**

by Carol Warren

It's always the public who pays

FIRST there was Monaco. Then John Grisham's new work of "fiction." West Virginia has received two black eyes in the national media in less than a month. The negative national attention has pushed forward the need to clean up our judicial elections and the recent discussion of judicial elections on the floor of the state Senate correctly identified the problem. It is not so much partisanship or politics - it's money.

The large amounts of money flowing in state elections at all levels and the temptations inherent in them must be addressed.

Fortunately, there's an immediate way to clean up the state's reputation - the West Virginia Public Campaign Financing Act. The bill is already in the legislative pipeline. All it would take is political will and a desire on the part of legislators to provide a vehicle that, over time, would remove a large amount of special interest money from our state's campaigns.

The completely voluntary program would allow participating legislative candidates to qualify to receive a modest amount of public funding for their campaigns. Some legislators maintain that the public doesn't want to pay for political campaigns.

The question is not whether the public will pay for campaigns, but how they pay.

In fact, if the public does not pay, then the current practice will continue with corporations, PACs and wealthy individuals supplying the money for election campaigns. It is ludicrous to argue that the hundreds of thousands of dollars spent to gain a \$15,000 seat have no influence on public policy. Citizens pay every day for the way our officials finance their campaigns.

And as with most political topics, the answer depends on the question. If the question is, "Would you give \$5 or \$6 of your tax money each year for a system that curbs the power of special interest money and makes your representatives accountable only to you?" the citizen response is likely to be positive. Five or six dollars per household is roughly what the program costs in the states that have public financing.

While our coalition of 26 statewide organizations would certainly support a public financing program for judicial candidates, the fact remains that our Legislature is far more responsible for the policies that affect citizens every day. And a number of legislators will confess that they do feel pressured by political contributors, and really dislike that feeling.

That is why we often call our bill the "freedom bill." We need to free our legislators from unnecessary pressures to raise money from lobbyist organizations who have the capability to give out large contributions and then expect something in return.

We are pleased that our legislators seem upset and passionate about removing the money from judicial campaigns.

To utilize a biblical phrase, it's a bit like trying to take the mote out of someone else's eye before removing the plank in one's own.

We call upon the Legislature to seize the opportunity to enact a program that will help eliminate special interest money from legislative campaigns. It would be a huge step toward more participative democracy and improved accountability.

Surface Owners' Bill Gets Hearing; More Town Hall Meetings Being Planned

By Norm Steenstra III, norm@wvsoro.org

We finally managed to get a hearing for the Surface Owners' Bill of Rights before the House Industry & Labor and Senate Industry & Mining committees this week. Thanks to everyone who was able to attend – we appreciate you coming to show your support. Thanks to you, we actually outnumbered the nearly 30 industry lobbyists, lawyers and supporters who attended the meeting. The end result, however, is that we will not have a bill pass this session.

On the bright side, your calls and letters to legislators have made a difference. Legislators are more aware of the problems and abuses surface owners experience, and both committee chairs want the bill to be taken up for study during the interim sessions this coming spring, summer and fall. Please thank Senator Hunter and Delegate Tucker for their help and interest in surface owners' rights. It appears that we will be granted an actual public hearing when the bill is taken up in the interims. We will keep everyone informed regarding these events.

As we promised before, we are going ahead with our town hall meetings. We would like to thank Sharon Marshok for taking the initiative and helping us organize a meeting in Doddridge County. The meeting will be held at the Doddridge County Park on March 15th at 6pm. We also plan to reschedule our regional meeting for Boone, Logan and Lincoln Counties and are working with Senator Clark Barnes to plan a meeting in Randolph County.

If you want to help plan a meeting in your county or area, see if you can arrange a place for us to meet then give us a call 346-5891 or email norm@wvsoro.org. If you have any questions or suggestions for future meetings, or comments on previous meetings, please let us know.

Just because nothing is going to pass this session, doesn't mean we can give up to until next year. Keep contacting your Senators and Delegates. Let's make sure they know how much this issue means to us.

Learn more at www.wvsoro.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 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!

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 at (304) 346-5891 or marge@wvcag.org

Bottle Bill Update

By Linda Frame, linda@wvcag.org

As we go to press, it does not look like the WV Bottle Bill will be taken up in House Judiciary. Our sponsors have discussed the bill with Chairwoman Webster and we are hopeful that she will assign a committee to look at the bill during interims. While this has happened before in the Senate and the bill got attention from attorneys there, this would be the first time the bill got serious study by legislators. This would be a big step and important follow-up on the momentum created by the presentation on the California Bottle Bill earlier this month to legislators.

In the meantime, please call Governor Manchin (info at bottom of page) and ask him to support the Bottle Bill. He needs to keep hearing from citizens as he has committed to meeting with industry opponents this week. He has told us he supports the concept and we need to remind him that citizens do, too! Thanks! Stay tuned at www.wvbottlebill.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

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

WV Citizen Action
1500 Dixie Street
Charleston, WV 25311

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Mary Wildfire and Paul Sheridan greet Representative Capito ~ February 22, 2008

Congresswoman Shelley Moore Capito called activists from WV Patriots For Peace and WV-Citizen Action "stalwarts" for braving the bad weather today and asking for her support in ending the Iraq War. Citizens got to ask her in front of the luncheon crowd she was addressing why she supports spending millions each month to fund the war instead of sending it back home to fund important programs for her constituents. She dodged the question with talk of fighting terrorism and a visit she had with a family who lost a son in Afghanistan.

Thanks to those of you Stalwarts who turned out!

This Wednesday, February 27 at 9:30 am
Room 208 West, State Capitol-- **Show Your Support for Stopping Mountain Top Removal**--Public information meeting on Senate Bill 588 -- the bill Senator Jon Blair Hunter (D-Monongalia) introduced, which would effectively end the practice of burying thousand of miles of streams under the rubble created by mountaintop removal coal mining. Starting time is 10am but get there early if you want a seat!! If you don't know how to get to 208 West meet in the Capitol rotunda at 9:30. This isn't a public hearing--so no speaking from the audience.



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!