



Capital Eye

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## So Many Bills, So Few Good Ones

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

We have passed the session's half-way mark and many progressive lobbyists and legislators are looking a little battle-weary. Not surprising considering how many bad bills are out there pushed by well-funded special interest groups hell-bent on warping public policy.

An excellent example is the "As-Is" Bill (HB2667), allowing used car dealers to sell cars only guaranteed to make it off their lot. Once on the public road, any problems with the car belong to the buyer. This "legalized lemon" bill is promoted by car dealer lobbyist Ruth Lemmon. I kid you not! See Gazette article at: [www.wvgazette.com/News/200903170794](http://www.wvgazette.com/News/200903170794) then contact House Roads and Transportation committee members and ask them to drive it over a cliff.

[HB2932](#) would require any smoking regulations by local health boards to gain approval from county commissions and, in some cases, city councils. This legislation will *politicize* every proposed change in local clean indoor air regulations across the state and *severely undermine the foundation of public health policy* in West Virginia. This bad bill passed out of the Political Subdivisions Committee and to House Judiciary. If you don't want your county commissioners involved, contact Judiciary committee members and tell them to leave public health decisions to the Health Department. The tobacco tax increase suggested by the governor is also in trouble. See [www.sfwvc.com](http://www.sfwvc.com) to keep current on clean indoor air and tobacco issues.

By now, the whole world has heard about the WV lawmaker who introduced a bill to outlaw the sale of Barbie dolls. Now that the national media has made us the brunt of yet another round of WV jokes, they should listen to the reason that this counselor/coach-turned-lawmaker made this statement on society's constant pressure on girls to be slim and pretty. See his explanation in this article: [www.wvgazette.com/News/200903190742](http://www.wvgazette.com/News/200903190742)

Our election bills are still breathing and some of them will hopefully begin moving soon. A bad bill, SB648, originated this week in Senate Judiciary. It's an unfortunate concession to the whining of the County Clerks who hate those pesky paper rolls that record the voter's official ballot choices (the paper trail) in DRE "touch screen" machines when the real remedy is to ban these machines outright.

See Julie's article on the next page for a full run-down of election bills we are watching.

We hear that Verizon is going after a broad deregulation bill under the guise of freeing up internet services. Watch out for this overly broad end run around PSC regulation of anything that the big telecom can even remotely associate with internet service, including your hard-wired telephones. More on this as info becomes available.

Monday is the deadline to introduce new bills and it can't come too soon. So far there are 1,894 bills in process. This is way too many for any 60-day legislature. I'd like to comment on so many more of them but the sheer volume is too much. I'll explain the sudden death process that will cull most of them out next week. Until then make sure your local lawmakers get a full dose of your opinions on the issues important to you. They work for you and you should keep your employees on task!

## Federal Issues Heat Up

### *Health Care on the Operating Table*

Obama's team went on the road this week holding town meetings for his health care reform proposal. Even though they aren't visiting WV you can still have input into the process of fixing our broken health system. Go to [www.healthcareforamerican.org](http://www.healthcareforamerican.org) and click on "Take Action" to be directed to Obama's health reform site. There you can stump for Single Payer or whatever you think our health care system should look like. Don't forget to put in a good word for a public plan!

### *Make the Pie Higher!\**

Now that the omnibus spending bill (keeping our government funded through this fiscal year) has passed, next year's budget takes center stage in Washington. The first step is the Budget Resolution, the president's blueprint on how much we should spend in all areas of government. In other words, how big is the pie, and how much is in each slice? This one document sets the stage for budget deliberations and is critical to our new president's agenda. If you're like Rush Limbaugh and want Obama to fail, then you'll want to see this resolution chopped up like hamburger. If you want to see real money for health care reform, green energy, education, and other critical issues, then this is the time to be heard. Call Senators Byrd and Rockefeller now and ask them to support the Budget Resolution, then go to [www.rebuildandrenue.org](http://www.rebuildandrenue.org) and find out more. This process will begin next week so time is critical - call now!

*\*quote from President GW Bush on increasing prosperity...*

## Your Calls Needed to Move Clean Elections Legislation!

by Carol Warren

We are fast approaching the deadlines for bills to move from their committee and house of origin. If the Public Campaign Financing Act (HB2764) is not taken up this coming week, it will die in committee. So if you have not made your calls to the members of Subcommittee A (below), please do so as soon as possible. If you've called already, please consider calling again!

Del. Barbara Fleischauer, Chair (D-Monongalia) - 340-3169

[barbaraf@mail.wvnet.edu](mailto:barbaraf@mail.wvnet.edu)

Del. Bonnie Brown (D -Kanawha) - 340-3106

[bbrown1@mail.wvnet.edu](mailto:bbrown1@mail.wvnet.edu)

Del. Mike Caputo (D-Marion) - 340-3249

[caputo@mail.wvnet.edu](mailto:caputo@mail.wvnet.edu)

Del. Patrick Lane (R-Kanawha) - 340-3275

[patlane@mail.wvnet.edu](mailto:patlane@mail.wvnet.edu)

Del. Patti Schoen (R-Putnam) - 340-3141

[pschoen@mail.wvnet.edu](mailto:pschoen@mail.wvnet.edu)

Del. Sally Susman (D-Raleigh) -340-3183

[ssusman@mail.wvnet.edu](mailto:ssusman@mail.wvnet.edu)

Del. Robert Tabb (D-Jefferson) - 340-3274

[rtabb@mail.wvnet.edu](mailto:rtabb@mail.wvnet.edu)

The public financing legislation for Supreme Court Justices (SB311) is still under discussion with House sponsors who are interested in moving the proposal forward. We hope this bill will be brought up next week.

Please join us at our two upcoming events! Let us know if you need more information or directions:

**Sunday, March 22 at 9:30 AM** - Julie Archer will speak about Clean Elections to the Unitarian Universalist discussion group in Charleston (520 Kanawha Blvd. W.)

**Saturday, March 28 at 10:00 AM** - Carol Warren will speak and Labor Council members will participate in a panel discussion of Clean Elections, in the basement conference room at the Marshall Student Center, Huntington. A continental breakfast will be provided.

## Where Are They Now? -- Election Bill Round Up

by Julie Archer, [julie@wvcaq.org](mailto:julie@wvcaq.org)

Two weeks ago we wrote about our 2009 legislative priorities for election reform. Here is a summary of where these proposals are to date, as well as developments on some other election bills.

**Phase-out of Touch Screen DRE Voting – HB 2864** – would get rid of these very unsafe and problematic machines that leave voters wondering if their votes were counted the way they wanted. We want a secure voting system that allows voters to mark a paper ballot as the official record. There are less expensive and more reliable alternatives that meet accessibility requirements. These alternatives are already in use in some West

Virginia counties. As the DREs near the end of their useful life, they should be replaced with an alternative system such as optical scan. In the long term, this will save money and give voters more confidence in the process.

**A public hearing has been scheduled on HB 2864 for Wednesday, March 25 at 9:30AM in the House Chamber. If you share our concerns about DREs, please attend – more voices need to be heard.**

If you can't make the hearing, contact members of the House Judiciary Committee and urge them to support the bill.

**Eliminating Manual Counting of VVPB During Canvass – SB 648** – eliminates the requirement that the voter-verified paper ballots be counted manually in at least five percent of the precincts during the post election canvass. This bad bill managed to clear the Senate Judiciary Committee earlier this week, requiring the county clerks to do a manual count of only one precinct, rather than five percent. It also eliminates the requirement that the precinct selection be random. Doing away with these requirements essentially defeats the purpose of having a voter-verifiable paper trail. West Virginia has one of the strongest post-election audit laws in the nation. Let's keep it that way. Contact your Senators and urge them to oppose SB 648.

**Same Day Registration (SDR) – SB 462 & HB 2464** – would allow voters to register and vote on the same day during the early voting period. County clerks are vigorously opposing this great idea and the bills are languishing in their perspective committees -- Senate Judiciary and House Judiciary Subcommittee A. Although the bill is in subcommittee, prospects are better in the House as HB 2464 only needs to clear the Judiciary Committee. In the Senate, SB 462 must also pass the Finance Committee. Contact House Judiciary Chairwoman Carrie Webster and House Judiciary Subcommittee A and ask them to pass this bill (contacts in previous article).

**Satellite or Commuter Voting – SB 314 & HB 2464** – a companion to SDR, SB 314 & HB 2464 would allow counties to designate additional early voting locations in places such as libraries and even the local mall. SB 314 was passed by Senate Government Organization Committee, but stalled in Senate Judiciary and was assigned to a subcommittee. HB 2464 cleared the House Political Subdivisions Committee this week and is now before House Judiciary Subcommittee A.

**Nominating Procedures for Third-Party Candidates – HB 2981** – would ease ballot access requirements for third-party candidates by reducing the number of petition signatures required from two percent to one percent of the vote cast for that office in the preceding

general election. It would also do away with language prohibiting voters who sign nominating petitions from voting in the primary election and extend the deadline for submitting nominating petitions until August 1<sup>st</sup> preceding the general election. HB 2981 was passed by House Judiciary Subcommittee A and is now before the full committee.

**Voting by Mail – SB 647 & HB 3134** – HB 647 would allow West Virginia's class IV cities — those with fewer than 2,000 residents — to conduct early voting by mail. Similarly, HB 3134 would authorize a vote-by-mail pilot program. Under HB 3134, the Secretary of State selects five municipalities for participation in the pilot project and adopt rules governing the elections by mail. Oregon's vote-by-mail system has proved reliable and popular. Vote-by-mail is voter-friendly, and high turnout in every vote-by-mail election shows that voters like the convenience.

## **WV-SORO Day Brings Out Landowners**

by Norm Steenstra III, [norm@wvcag.org](mailto:norm@wvcag.org)

We celebrated WV-SORO Day at the Capitol on St. Patrick's Day this week. We had a fair turnout and everyone got a chance to meet or leave notes with their delegates and senators. Our group also spent time in the afternoon trying to meet with the House Speaker and Senate President. In both cases we were told that they were too busy to meet with us, but the President's Chief of Staff spent about 20 minutes listening to our stories and concerns. We also left notes with our names and telephone numbers for both leaders.

Shortly after leaving the Senate President's office we ran into Senator Green, who chairs the Energy, Industry and Mining Committee, which is assigned our SORO bill (SB 374). He listened to us and said he was interested in getting it on the agenda. We also tracked down Delegate Barker who chairs the House Energy, Industry and Labor Committee. He has been very sympathetic to our cause, but apparently has been guided by House leadership to not take up our bill. WV SORO Day was capped off with a press conference covered by local TV news and Bristol Broadcasting. Several speakers did a great job in presenting their issues to the press.

Please keep up your calls, especially to Senate committee members so that we can still pursue passage of our bill (HB 3023 and SB 374). Also feel free to keep reminding your delegates as well as leadership of both houses that you as a voter in West Virginia will hold them accountable for their actions or inaction.

## **Make the Call for Clean Water**

by Patricia Feeney, *Sludge Safety Project*

**Please call Senator Mike Green (D-Raleigh)**, Chair of the Energy, Industry and Mining Committee. Tell him in your own words why clean water is important to you and why now is the time to protect our ground water and our health from coal slurry injection. Ask him to put Senate Bill 568 on the EIM committee's agenda next week. We can't wait for the DEP to finally, if ever, issue a study. We need our legislators to fulfill their duty to protect the people of West Virginia from toxic contamination. Contact Senator Green's at (304) 357-7831 or [mike.green@wvsenate.gov](mailto:mike.green@wvsenate.gov)

You can also help by calling your legislators and encourage them to help stop coal slurry injection and support Senate Bill 568. Ask them to encourage Senator Green to put SB 568 on the agenda. Senate Bill 568 is simple: **No more underground injection of slurry until we are sure it is not endangering public health.**

Join us as we educate our legislators to support Senate Bill 568 every Thursday beginning at 8:15am at the Capitol. If you need a ride or have any questions, contact Natalie Vanderpool at (304) 417-2425 or [n\\_vanderpool@yahoo.com](mailto:n_vanderpool@yahoo.com).

## **Subcommittee Debates Bottle Bill**

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

Yesterday, House Judiciary Subcommittee A took up HB 3037, the WV Bottle Bill. After the committee attorney presented the bill, he took questions from the committee. Then two speakers opposing the bill addressed the members. It was late in the day and the Subcommittee adjourned until **Monday at 8:30AM** when it will continue discussion of the bill. Our hope is that the bill is voted out of subcommittee with recommendation that it pass.

Please contact subcommittee members with this message over the weekend. If you can stop by the House Judiciary Committee room on Monday, your support would be appreciated! It's not a convenient time for grassroots folks but the opposition has many paid lobbyists filling up the room. If you can't be there, please take a moment and contact members of the House Judiciary Subcommittee A (contact info on previous page). **Thanks for your support!**

*Capital Eye* is published by WV-Citizen Action, a nonprofit membership organization founded in 1974 and dedicated to increasing citizen participation in economic and political decision-making. Our members work for progressive changes in federal, state, and local policies by educating people about key public interest issues ranging from environmental protection and consumer rights to good government. Learn more at [www.wvcag.org](http://www.wvcag.org).

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## Contact Your Representatives!

### 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) where  
you can find legislators' e-mails. Or e-mail any  
legislator at [cglagola@mail.wvnet.edu](mailto:cglagola@mail.wvnet.edu). Type  
the legislators' names in the subject line.

### 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)

## Upcoming Events!

### Sunday, March 22 at 2 PM, Charleston Woman's Club, 1600 Virginia St. East

*"The Patriot Act, State Secrets and Government  
Spying Legislation"* Michelle Richardson from  
ACLU's National Washington Legislative Office

*\*This free presentation is part of the ACLU's  
Annual Membership Meeting and it will be followed  
with an update on current events at the Legislature  
and an assessment of civil liberties in the Mountain  
State. Light hors d'oeuvres and refreshments will be  
served.*

### Monday, March 23 starting at 9 AM. State Capitol Rotunda

*ACLU of WV's Lobby Day at the Legislature*  
Join the ACLU of West Virginia staff to visit your  
legislators and make your voice heard on individual  
liberty issues. Please RSVP for these two free  
events by March 19 at [mail@acluwv.org](mailto:mail@acluwv.org) or call  
(304) 345-9246.

### Monday, March 23 – WV FREE Lobby Day.

House Finance Committee Chairman  
Harry Keith White has scheduled a public  
hearing on HB 3159 for 4PM in the House  
Chamber. This bill would eliminate Medicaid  
funding of abortion care for West Virginia's  
poorest women. For more information, visit  
[www.wvfree.org](http://www.wvfree.org).



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