



## Capital Eye

Volume 9, No. 8 ~ March 27, 2009

### The Watch List

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

Wednesday is “Crossover Day” when a bill must pass out of its house of origin or it is tossed in the recycling bin. With this deadline fast approaching, lawmakers have doubled up on floor sessions and have begun early morning and evening committee meetings. By Monday, a bill must be reported to the House or Senate floor in order to pass without suspending the rule that it be read on three separate days. The race to the end (midnight on April 11) has begun.

Good news first. SB 311, creating a pilot project for public financing bill of state Supreme Court candidates, easily passed out of Senate Judiciary on Thursday. There’s nothing like a good (Supreme Court) scandal to get lawmakers to pay attention to the virtues of Clean Elections. Connecticut jailed its governor just before passing its public financing bill. SB 311 now goes to Senate Finance. Please call committee members and ask them to pass it. Maybe when they see how well it works for judges, legislators will enact it for themselves.

An off-election session is usually when lawmakers tackle election laws, but sadly this session has seen few such bills progress. The public hearing on the bill to ban touch-screen DRE voting machines was cancelled to make time for Supreme Court Justice Albright’s funeral. We fear the bill to allow registration during early voting is also doomed.

More good news: after grueling hours of delaying tactics by the pro-litter lobby, our Bottle Bill passed out of subcommittee back to House Judiciary. Contact this committee to get it moving!

The Verizon Deregulation Bill I mentioned last week is DOA. Thank goodness their gambit to eliminate PSC oversight was just too transparent. Thanks go to the PSC Consumer Advocate’s office for alerting us on this one.

Big Brother Bill of the Week, SB 686, allows police video cameras to check your license plate against insurance records so you can be mailed a computer-generated ticket if caught on camera driving without car insurance. I’ll bet the insurance lobbyists thought this one up! This is one more we hope dies on Crossover Day. A big thanks to ACLU lobbyists for the tip on this one.

ACLU is leading the push to broaden our state’s anti-discrimination law. SB 238 passed the Senate and its fate now rests in House Judiciary which passed a similar bill last year. See [www.ACLUwv.org](http://www.ACLUwv.org) for more info. This bill would eliminate discrimination on the basis of sexual orientation in housing, employment and public accommodations. It is not only the right thing to do, but good for economic development.

I just came back from the public hearing on HB 3000, Governor Manchin’s bill to tax the proposed PATH and TRAIL mega power lines to get them approved by the PSC. This turns out to be

a tax shell game as the public will have to repay the power companies for the cost of this tax in addition to paying for the unneeded power lines. Something doesn’t add up here. Electric utilities have filed for a 50% rate increase and cite as one of their many reasons that they are no longer shipping electricity out of state. So why are any new lines needed? The WV Environmental Council (WVEC) lobby team is doing a great job opposing this boondoggle and promoting green energy. See [www.WVECouncil.org](http://www.WVECouncil.org)

The conservative movement to legislate morality never quits. This year’s mover is HB 3159, which prohibits Medicaid from offering abortion services to women who qualify for the program. I know this is a hot-button topic and we have members on both sides of this issue. However, this same piece of legislation was enacted over a decade ago and found by our WV Supreme Court to be unconstitutional. [www.WVFREE.org](http://www.WVFREE.org) is leading the opposition to this one.

Another “blame the victim” bill is HB 3007 which would force those applying for TANF or unemployment to “pee in a cup” to receive benefits. WV-CAG participated in a press conference and signed on to a letter to lawmakers this week organized by the WV Council of Churches to oppose this forced drug testing of our struggling citizens. Imagine adding the insult of drug testing to the embarrassment and trauma of having to file for unemployment because of a factory closing or layoff. We are all only a “pink slip” away from having to pee-in-a-cup if this bill passes. Contact House Judiciary Chair Carrie Webster and ask her to flush it.

The lack of movement on Surface Owners’ Rights is very disappointing. Neither the House nor the Senate has the fortitude to stand up to the oil and gas industry and say, “Stop the abusive and destructive drilling operations and be a good neighbor!” Are they afraid the industry will take its oil reserves and move them to Texas? If nothing is resolved this year there will be twice as many irate surface owners down here next session! All manner of information on oil and gas is available at [www.wvsoro.org](http://www.wvsoro.org).

I’m really proud of our CAG lobby team this year. Linda, Julie and Norm have tirelessly pushed for better legislation (and fought bad bills) in so many areas it’s impossible to print it all here. I would also like to thank volunteer Jeremy Brannon who has worked with us at the Capitol to watch committee meetings and track bills.

Citizen Action is not a single-issue organization. We try to cover as many bases as possible – to be YOUR eyes and ears here in Charleston and promote the common good. I’m also proud of you, our membership, who consistently support us by volunteering and with financial support. Without your help we couldn’t be here on your behalf. If you haven’t yet, please send in a membership contribution to keep us going strong. Thanks!

*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).

## **Public Financing for Supreme Court passes Senate Judiciary Committee!**

by Carol Warren

Senate Judiciary took up SB 311, the public financing bill for Supreme Court candidates, on Thursday morning. Senator Don Caruth (R-Mercer) offered an amendment to include a provision that the Supreme Court elections be non-partisan, but it was defeated. Senator Evan Jenkins (D-Cabell) offered an amendment to begin the Pilot Project in 2010 instead of 2012, because of the unforeseen necessity of an election in 2010 due to the recent death of Justice Joseph P. Albright. That amendment was approved. The committee then voted to move the bill, with recommendation that it pass. The bill now goes to Senate Finance. Kudos to Julie Archer who spent many hours helping to develop the bill and get the final product ready.

**Please make your call today** to Senator Walt Helmick (D-Pocahontas) at 357-7980 and urge him to place SB 311 on the Finance Committee agenda.

And don't pass up a chance to meet with legislators and advocate for the Supreme Court bill! This coming **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 (BE5) at the Marshall Student Center in Huntington. A continental breakfast will be provided. Please come join in the discussion and help us demonstrate that there is citizen support for public financing! Discussion of the Health Care for All Campaign will follow, so it should be a very informative morning. Please let us know if you need directions!

Unfortunately, our legislative public financing bill (HB 2764) was not taken up by Judiciary Subcommittee A. But WV Citizens for Clean Elections will continue to advocate for public financing for legislative races, and the legislators know that we will not go away!

Thank you for your help, and all you do for Clean Elections!

## **Subcommittee A Passes Out Bottle Bill**

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

On Tuesday, with a 5-1 vote, House Judiciary Subcommittee A passed out HB 3037 to the full House Judiciary Committee with recommendation that it pass. Voting for the bill were Delegates Fleischauer (D-Monongalia), Brown (D-Kanawha), Schoen (R-Putnam), Susman (D-Raleigh) and Tabb (D-Jefferson). Voting against the bill was Delegate Lane (R-Kanawha). Delegate Caputo (D-Marion) was not present.

Please take a moment and thank the committee members for their yes votes. Also, please contact House Judiciary Chairwoman Carrie Webster's office and ask her to put the bill on her committee's agenda now that it has passed out of subcommittee. Her number is 304-340-3252.

Thanks for all of your phone calls and e-mails. This was a hard-fought victory against a very well-funded coalition of industry lobbyists that wanted to kill the bill in subcommittee. This would not have been possible without your support!

## **Surface Owners Ignored**

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

I truly wish that I could report that our bill is moving, but it is looking like the oil and gas industry has managed to influence leadership in both houses to keep our Surface Owners' Bill off of their agendas. We are still hopeful that we might be able to get some action taken, but time is running out.

While we have been busily attempting to convince Senator Green, the chairman of Energy, Industry, and Mining, to take up our bill (SB 372), the industry has managed to convince him to take up their Well Spacing Bill (SB 474). SB 474 promptly passed and moved onto Senate Judiciary. This bill would allow gas drillers to legally steal gas from neighboring mineral owners as well as allow them to put more wells on a surface owners' property. It would also allow the modern Marcellus Shale gas wells to be classified as statutory "shallow wells."

We need you to continue your calls, this time focusing on Senator Kessler and the Judiciary Committee members. Encourage them to not take up this bill (SB 474), as it will make life even harder for West Virginia's surface owners.

## **National Group Wants Heavier Trucks**

by Misti Rice, [mrice@cabt.org](mailto:mrice@cabt.org)

Having failed to win federal approval of an increase in truck weights to 97,000 pounds from the current 80,000-pound limit, Americans for Safe and Efficient Transportation (ASET), a group of major trucking companies and shippers, is targeting state legislatures to authorize heavy truck pilot programs.

According to the ASET website: "Through initial strategy meetings held with some of our Executive Committee, ASET will be attempting to gain legislative language through several states without trying to push a nationwide proposal as it had done leading up to the congressional highway bill. These state proposals could include pilot projects, single and multi-state initiatives, especially in border or port states that are at a distinct disadvantage because of international competition."

Lobbying individual states to approve bigger trucks - and then using them as a pretext for changes at the federal level - is a longstanding trucking industry strategy. The Coalition Against Bigger Trucks (CABT) is a nonprofit grassroots organization dedicated to maintaining the current limits or freeze on truck sizes and weights at all levels of government. CABT and our coalition partners are fighting hard to defeat state level truck size and weight increases all across the nation - to prevent ASET and others pushing for bigger trucks from building a base of support in anticipation of the next federal highway bill.

CABT is winning support for the Safe Highway and Infrastructure Preservation bill (SHIPA) that would extend the freeze from its current limits on truck sizes and weights from the 46,000 mile Interstate Highway System to the 163,000 mile National Highway System. CABT grassroots activists are urging Congress to keep bigger trucks off the roads. If you would like more information visit our website at <http://www.cabt.org/>.

## Health Care & Budget – Joined at the Hip

As the state legislature plays out, Congress is just getting going. Right now both of our major campaigns, [www.HealthCareforAmericaNow.org](http://www.HealthCareforAmericaNow.org) and [www.RebuildandRenew.org](http://www.RebuildandRenew.org) are focusing on passing Obama's Budget Resolution. It includes major funding for health care, education, and green energy proposals while undoing Bush's tax giveaways to millionaires and billion dollar corporations.

This is not a fight over numbers and line items in an Excel file. The Budget Resolution battle will determine the size of the pie that will then be sliced into these critical new initiatives President Obama has proposed. WV-Citizen Action joined with AFL-CIO, WV Social Workers, and AFSC's Economic Justice Project this week at a press conference to broadcast our support for the budget. Hear about it at <http://www.publicnewsservice.org/index.php?content/article/8388-1>

### Two actions are needed:

1. Call Senators Byrd and Rockefeller at 888-436-8427 and ask them to support the President Obama's budget.
2. Fill out the bottom part of the HCAN enclosure and return to us at WV-CAG, 1500 Dixie Street, Charleston, WV 25311. If you can, please include a contribution to help fund our work on these critical federal issues. Help us meet our goal of collecting hundreds of supporters for health care reform! Support is needed from our out-of-state members as well!



*Lisa Diehl Gathers HCAN Support at the Capitol*



**Earth Hour: Saturday,  
March 28, 8:30 -  
9:30pm.**

What would happen if the entire planet turned off its lights for one hour? This Saturday, March 28, from 8:30 - 9:30pm, we'll have

a chance to find out.

Earth Hour -- a global event led by the World Wildlife Fund -- got its start in 2007 in Sydney, Australia. In just two years, it has exploded into the largest event of its kind in the world. Last year, more than 50 million people participated and the lights went out at the Empire State Building, the Golden Gate Bridge, the Sydney Opera House and the Coliseum in Rome, just to name a few. Even Google's homepage went black for the day!

This year, Earth Hour will be even bigger -- already 2400 cities, towns and municipalities in 83 countries have agreed to take part including Atlanta, Chicago, Las Vegas, Los Angeles, Miami and Nashville with more signing up every day. But Earth Hour isn't just for big cities -- anyone can participate. All you have to do is turn your lights off for an hour. **Go to the Green Room to learn more and add your voice to the movement.**

## WV Citizen Action Group's Annual Spring Extravaganza

Friday, May 1, 2009

Charleston Woman's Club

Join the progressive community to celebrate 35 years of Citizen Action in West Virginia and to honor the lifelong accomplishments of our award winners!  
5:30 PM - Enjoy heavy hors d'oeuvres/Bid on interesting & eclectic items in Silent Auction/Greet old friends and meet new ones Listen to acoustic Voo-Doo Katz music

6:30 PM - Welcome and Awards Presentation:

Si Galperin In Defense of Democracy Award  
Delegate Barbara Evans Fleischauer

Tom Knight Excalibur Award  
Vivian Stockman, Ohio Valley Environmental Coalition

7:00 PM - More music by the Voo-Doo Katz  
Eat and dance! Enjoy the auction & delicious desserts. Share the evening with progressive friends, DANCE!

For more info, call 304-346-5891 or e-mail [linda@wvcag.org](mailto:linda@wvcag.org). Tickets ~ \$30/person, \$10/student

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



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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)!**

#### Tune In!

A follow-up to last year's "Sick Around the  
World" - "Sick Around America" premieres  
March 31 at 9 p.m. on PBS.