



State of State Kicks Off Start of the Session

Gary Zuckett, garyz@wvcag.org

I sat in the House Gallery on Wednesday night listening to governor Tomblin's speech on how WV is doing. Overall there were a few issues he took on that we agree on, several that we don't, and then the missing-in-action.

First the good ones:

Education – It seems there is a consensus that we need to make major improvements to our educational system. Getting folks to agree on what that will look like will be an interesting process to watch. The governor stressed making the educational process better for the kids. We agree with his initiative to have preschool for 4 yr olds in all the counties. Giving kids a head-start can bring lifelong benefits.

Prison overcrowding – Harsh (and mandatory) sentencing has our prison population bursting at the seams and costing taxpayers increasing millions every year. The solution isn't to build more prisons but to look at drug treatment programs, home confinement and other non-incarceration solutions for non-violent offenders. We are looking forward to reading the fine print in the governor bill. Then the "Missing In Action"

The Environment – His only mention of the word environment was in relation to a fuzzy proposal to establish a "public non-profit corporation to identify, promote, and oversee programs that will foster economic development and environmental remediation" – more on this later.

I suppose one is to assume that everything is fine in our state on the environmental front. No problem with air, water, and surface pollution from Power Plants & other heavy industries, Marcellus gas wells or Mountain Top Removal mining. No need to increase energy efficiency or promote renewable energy. Nope, no environmental initiatives needed. Hint: Governor Tomblin, the industry-vetted Marcellus regulations you railroaded through that special session in Dec of 2011 didn't fix any of the environmental or surface owner problems. Nothing has really improved on the environmental front since before your predecessor took office.

Finally, the suspects:

As always, the "devil is in the details" when rolling out broad new initiatives. This "public non-profit corporation" mentioned above sounds a lot like SB 552 that failed to pass last year. This bill (552) would have created a "Get Rid of Brownfields Free" card for polluters who could transfer ownership of toxic land to a new "public non-profit corporation" and thus absolve themselves of all liability from

said polluted property. SB 552 would essentially privatize a function of state government now overseen by the DEP Division of Land Restoration. Guess what happens if this proposed new corporation goes belly-up? It seems that all the liability for any land taken-over would fall back to the state of WV. Yep, the taxpayers would then be paying the tab for any needed clean up. A great deal for polluters looking to have a fire sale on poisoned dirt...

Another Public/Private partnership the governor wants to promote is for road building. He wants to expand the 2008 Public-Private Partnership Act to give the Highway Commissioner new leeway in developing these mutations. Think TOLL ROADS. Think WV Turnpike Authority. Think layoffs of state Department of Highways personnel. No Thanks!

All in all it was a speech with more platitudes than details, and as already stated, that where the devil comes in...

A Challenge To Our Readers – Put Your Money Where Your Values Are!

We have a message to our readers from a generous, long-time supporter. This fellow, who wants to remain unnamed for reasons you'll soon understand, has offered to match dollar for dollar all contributions we bring in for our work during the legislative session up to FIVE THOUSAND DOLLARS!

In his words "Tell your readers to put their money where their mouth is. I'm tired of hearing everyone complain about how terrible it is down there so tell them to put up or shut up!" I told him this was probably not the best marketing slogan for a fundraising campaign but hey, we've tried lots of hair-brained ideas over the years.

So, here it is folks, please contribution to good government, a clean environment, and fair taxation in WV by sending us a check or on-line at www.wvcag.org. Your hard-earned dollars will now be doubled by our cranky donor so we'll be able to keep up the fight for progressive change. It only takes a minute or two and will make a BIG difference down here at Citizen Action.

For the first time ever, we have five (underpaid but registered) lobbyists representing you at the state house covering myriad issues. Any amount of support from our members is much appreciated and now will count twice. Help us reach our goal of soaking our major donor for all that he's pledged!

State Election Commission Recommendation, Forum Boost Clean Election Campaign

By Julie Archer, julie@wvcag.org

In January, the campaign to make public financing a permanent part of West Virginia Supreme Court elections received a major boost when the State Election Commission voted unanimously to recommend that the program be made permanent law and extended to future Supreme Court elections. Commissioners agreed that the program was successful and accomplished its goals of “exposing the electorate to candidates who might not otherwise have been heard” and of “reducing the impact of private money on judicial elections.” Commission members believe the election of the participating candidate, Allen Loughry, who went on to win one of two contested seats on the Court, will encourage more participation in the program in the future.

The Commission's recommendation came on the heels of a successful Clean Elections forum in Clarksburg sponsored by WV-CAG, the Ohio Valley Environmental Coalition (OVEC) and North Central WV Democracy for America (DFA), all members of WV Citizens for Clean Elections. Nearly 50 people turned out to hear from Senate President Jeff Kessler and participate in a discussion afterward. Senator Kessler emphasized the role public financing can play in restoring confidence in our courts and ensuring a fair and impartial judiciary by shielding justices from the biasing influence that can come with private contributions. He also discussed the importance of having robust disclosure laws so that voters know who is trying to influence our elections.

After Senator Kessler's speech, House Judiciary Chairman Tim Miley addressed the crowd briefly. Senators Dave Sypot and Sam Cann, and Delegates Richard Iaquina and Mike Manypenny were also in attendance. During the discussion that followed the presentations, there was great enthusiasm for keeping the Supreme Court public campaign financing program going, as well as for making public financing available for other state and federal elected offices. We're grateful to all the WV-CAG members who came out to show their support for Clean Elections and to all the legislators who came to hear from you. Your support and your voice are crucial to this effort.

As the session gets underway, we'll keep you posted on the campaign's progress and let you know when calls are needed to legislators to urge their support. You can also visit www.wvoter-owned.org for more information and updates.

Energy Efficient West Virginia Supporting Two Bills this Session

*by Cathy Kunkel, cathykunkel@gmail.com and
Stacy Gloss, stacy@wvcag.org*

Integrated Resource Planning, introduced by Delegate Tim Manchin (D, Marion), requires greater

transparency and accountability from West Virginia's power companies in their long-term planning. Currently our power companies do not need to show the Public Service Commission their plan to meet electricity needs in the future. The bill will require our power companies to submit long-term plans to the Public Service Commission every two years to determine the resources for electricity generation that will best meet our future energy needs. With Integrated Resource Planning, the power companies would be required to evaluate investments in energy efficiency on an equal footing with investments in traditional power plants, which they do not currently do. (For more details, see *The Case for Integrated Resource Planning in West Virginia* from WVU College of Law).

The second bill we are supporting is for an Energy Efficiency Resource Standard for West Virginia. The bill sets long-term targets for energy efficiency savings, about 1% of savings per year over the next 14 years. With an energy efficiency resource standard, power companies would meet these targets by offering incentive programs to their customers to reduce their utility bills in innovative ways, such as rebates for weatherization and other energy efficiency related improvements, commercial energy audits, and incentives for industrial process improvements. Twenty-six other states, including Ohio and Pennsylvania (where our power companies also operate), already have targets like these in place. There is no reason that West Virginia residents shouldn't have the same opportunities for savings as residents in neighboring states.

For more information about our campaign for energy efficiency in West Virginia, sign up for our Action Alerts and other announcements at www.eewv.org. We will be keeping close watch on these bills as they progress through the legislature, and we will send out Action Alerts that will let you know how you can help – by calling senators and delegates, by writing Letters to the Editor of your local newspaper, or by attending informational sessions in your community.

The Good, The Bad and the Ugly

By Norm Steenstra, norm@wvcag.org

Over 700 bills were introduced in just the first few days of this legislative session. The range of subjects, ideology and motivations runs the political spectrum. Tea Party values, anti abortion, Marcellus drilling and self serving special interest backed bills were all in the mix. This spate of potential laws probably represents about a quarter of all the bills that will be introduced during this session.

Some may find it remarkable that already 22 bills dealing with Surface Owners rights and Marcellus shale drilling issues have been introduced. We will be reporting their progress (or lack there of) throughout the session. Other issues that have emerged include “Right to Work”, care of fetuses, making English the official state language, allowing loaded firearms in cars parked on the capitol grounds, requiring voter ID's with photos, ignoring all federal gun laws and requiring DEP to issue

mining permits within 6 months. The legalization of medical cannabis bill probably won't go too far, but we'll keep you up to date as to how high it gets on the agenda.

HB 2029 –The Lobby Disclosure Act has been introduced many times in the past, but what a wonderful world it would be if all lobbyists had to disclose how much they were being paid to influence specific legislation. Interestingly, there are at least 3 bills introduced already that deal with building efficiency and the use of renewable. We expect few more to surface soon and provide a counter balance to the pro-fossil fuel bills that will be heavily lobbied.

Three bills that I've taken some personal interest in and will report their progress are: HB2153 – Creating the Genetically Engineered Food Right to Know Act. My guess is that Monsanto will be hiring a small army of lobbyists to ensure its defeat. I'll also be watching HB2286 which "Allows the WV division of Energy to develop an energy related Public relations Campaign focused on educating the Washington DC area and the Federal government about West Virginia coal." As if the whole "Friends of Coal" wasn't enough- if this bill passes all West Virginia tax payers will be "Financers of Coal."

Perhaps as a Valentines Day gift to cleaner government, Senate President Jeff Kessler introduced SB 151- a bill requiring strict disclosure of corporate political activities (\$) to shareholders and the WV Secretary of State. If reigning in special interest money is important to you this is one to work for.

I'm also really curious about the future of HB 2144. This bill "would require reclaimed strip mines to be populated by plants that are beneficial to local bee populations. What a nice idea! We can call it the "Be a Friend of Bees Bill." It will take a few weeks for the real issues and policy battles to more fully define this session, but expect bad things we haven't even thought of to emerge.

GOP Tries to Use Political Capital to Advance Voter Suppression Laws

By Maggie Fry, Maggie@wvcag.org

Emboldened by their gains in November, last Tuesday Republican legislators rolled out a rather unpleasant list of [priorities for this session](#), and, not surprisingly, voter suppression is high on it.

We were happy to see Secretary of State Natalie Tennant respond Wednesday with a firm commitment to oppose any new voter id laws. "The Republican Party in West Virginia wants to pass oppressive laws that make it harder for an eligible citizen to exercise their right to vote," Secretary Tennant said. "They are proposing solutions to fix a problem that doesn't exist. What we should be focusing on is helping election officials maintain voter registration rolls and new technology like electronic poll books that help keep track of those who have already voted."

Also on Wednesday, Carol Miller (R, Cabell) introduced HB 2215, which would require that voters show a photo ID in order to cast a ballot, Kelley Sobonya (R, Cabell) and Josh Nelson (R, Boone) were co-sponsors on the bill. If made into law, this bill would discourage voting among seniors, low income and minority communities in West Virginia. We look forward to standing with the Secretary to defeat this and any other efforts at voter suppression put forth by the legislature this session. The only voter fraud we have to worry about is the fraud perpetrated by election officials.

You can view Secretary Tennant's full statement [here](#)

A Peek at our Public Policy

Just in time for the session, we've posted our [2013 policy priorities](#) on the CAG web page. Readers will see many carryover issues from last year because, well, the legislature didn't do a very good job of listening to us last year and still need to improve a lot of the state's policies. We are not the lead organization on every one of these (thank goodness) but in all, they represent improvements in health care access, social justice, fair taxes, environmental protection, energy efficiency, election protection and many more areas of public concern. We are happy to work with labor, social workers, teachers, and other non-profits to further the progressive values of you our members.

No Capitol Eye Next Week

At our last staff meeting we decided to reduce the frequency of our Capitol Eye publication to every other week during the session. This will enable us to spend more time at the capitol as things move forward. Next week is a blur for us with the Rally for Democracy and two other major events in addition to the day to day monitoring of the session, committee meetings and lobbying our bills and resolutions. So in order to keep you up on what's going on we'll be posting more alerts to your e-mail box. If you are not on our [alert list](#) sign up now to get the up to the minute actions you can take to make a difference.



Don't forget to attend the **Rally For Democracy**. If you have questions or are interested in lobbying your legislator to get big money out of politics, email norm@wvcag.org or call 304.346.5891



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

Please renew your membership or send a donation.

Name: _____

Address: _____

E-mail: _____ Phone: _____

Here's my donation of: \$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!