



Capital Eye

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Halfway There

by Gary Zuckett garyz@wvcag.org

We are now halfway through the session and soon we'll be coming up to several deadlines. The 20th is the last day to introduce bills and by the 26th, bills must pass out of the committee process to make an orderly passage to the other house by the 29th (leap day for legislation?) Did I say "orderly passage"? Actually, the waning days of the session are anything but orderly and as midnight approaches on the last day, chaos rules. Now is when we need your calls into legislative offices the most. Watch throughout this issue for opportunities to make your voice heard.



Julie Archer speaks to citizens during the One West Virginia Advocacy training at Asbury United Methodist.

One West Virginia!

A big thanks to everyone who came out on Wed. the 8th to the combined Progressive Lobby Day! About fifty got there early enough to have a breakfast briefing on the issues at Asbury Church and get short Citizen Lobbying 101 training. At the noon rally about three hundred ate stacks of pizza & listened to speakers from the ACLU, Planned

Parenthood, WV-FREE, Citizen Action, Fairness WV, E-Council and others. It was very inspiring to see hundreds of citizens with big round "ONE WV: Justice for All" lapel stickers roaming the halls afterward to lobby their Senators and Delegates. We made an impression on them and all the groups agreed to do it again even bigger and better next year. Don't miss it!

What Don't They Understand About Least Cost? Our Least Cost Planning Bill SB 162 is being delayed by a tantrum by AEP who says they'll be fine with the bill if we just alter two little words – LEAST COST. This bill would require electric utilities, when they make their long-term plans for meeting future customers power needs, to include energy efficiency into the mix and come up with a Least Cost plan. They should already be doing this and SB 162 makes the process open to public comment through the PSC. We have not heard any objections from the PSC on this proposal. Contact Sen. Palumbo, chair of the Senate Judiciary, and ask him to keep Least Cost in the bill and pass it! His Capitol Phone: (304) 357-7880 E-mail: corey.palumbo@wvsenate.gov

Train Wreck in Transportation

While the WV legislature considers legislation promoting "Complete Streets" i.e. making sure cities and towns have safer pedestrian sidewalks and crosswalks and bikes have a lane here and there, the US House is moving a Transportation Bill (HR7) that cuts out all funding for such unnecessary issues as pedestrian and bike safety. Not being content with that, House majority leadership has slashed funding for just about everything and pulled transit funds out of the mix that gets secure funding from the federal gas tax and leaves it begging every year for general revenue. This is not the time to be cutting transit funds when more folks are depending on busses and trains to get to work to save on gas. The message to our [US House members](#) is "Just Say NO" to HR 7!

Insurance Fairness Voted Down by Senate Banking and Insurance Committee

by Julie Archer, julie@wvcag.org

Women's health and reproductive justice advocates and their allies (the Healthy Youth Coalition) who are working to reduce teen pregnancy were disappointed Thursday when the Senate Banking and Insurance (B&I) Committee failed to advance a bill (SB 194) to require health insurers to cover maternity and contraceptive services for all individuals who are participating in or receiving coverage under a policyholder's health insurance plan. Under current law, health insurers are not required to cover maternity or contraceptive services for dependent daughters.

The bill, which was recommended for passage by the Legislative Oversight Commission on Health and Human Resource Accountability, was aimed at addressing West Virginia's rising teen pregnancy rate and reducing the social and economic burdens teen pregnancy places on families and communities. West Virginia is the only state to have an increase in teenage pregnancies (17%) between 2007-2009. Its defeat came as a surprise because just last week the bill had cleared its first legislative hurdle when it passed out of a B&I subcommittee chaired by Senator Mark Wills (D-Mercer) with bipartisan support.

Unfortunately, its progress was stymied by confusion over technical changes made to the bill by committee staff, as well as line of questioning from Senator Mike Hall (R-Putnam) as to whether the bill was similar to a new federal rule requiring employers to provide insurance coverage for birth control with no co-pays. That rule is under attack from anti-birth control politicians and the United States Conference of Catholic Bishops. A question from Senator Karen Facemyer (R-Jackson) about whether "the morning after pill" would be covered (many wrongly confuse "the morning after pill" or emergency contraception (EC) with the abortion pill (Mifeprex, also referred to as RU-486), and comments from Senator Walt Helmick (D-Pocahontas) about the bill not having been referred

to the Senate Finance Committee also helped thwart the bill's passage.

The next few days will be critical as members of the Healthy Youth Coalition and the supportive legislators regroup and try to get the bill reconsidered. Stay tuned as we may call on you early next week to make calls or send e-mails to members of the committee.

In the meantime, please thank the bill's lead sponsor Senator Ron Stolling (D-Boone) for working so hard to remedy the situation. His email is ron.stollings@wvsenate.gov. Also deserving of our thanks are Senator Wills and Senators Brooks McCabe (D-Kanawha), Joe Minard (D-Harrison), Corey Palumbo (D-Kanawha), and Greg Tucker (D-Nicholas) for their support. Senators Mike Green (D-Raleigh), David Nohe (R-Wood) and Roman Prezioso (D-Marion) joined Senators Facemyer, Hall and Helmick in opposing the bill. Senators Truman Chafin (D-Mingo) and John Pat Fanning (D-McDowell) were not in attendance.

For a complete list of committee members and their contact information go to

<http://www.legis.state.wv.us/committees/senate/SenateCommittee.cfm?Chart=bi>.

AFL-CIO, United Mine Workers, Join with Fairness West Virginia to Demand Human Rights for West Virginia's LGBTQ Workers

By Maggie Fry, maggiemfry@gmail.com

Fairness West Virginia held a press conference Wednesday in the capitol rotunda, to announce the AFL-CIO and United Mine Workers of America's commitment to stand with West Virginia social justice and environmental advocates to urge the legislature support adding "sexual orientation" and "gender identity" to the Human Rights Act.

Fairness also released findings from a Greenberg Quinlan poll conducted in January 2010, which showed that 61% of West Virginians "favor protecting gay and lesbian people from

discrimination in employment and housing.” According to Bradley Milam, executive director of Fairness, “Such numbers show a huge majority of West Virginians standing with us on this issue, and as national polls suggest, this number must be significantly higher now than it was in 2010. This is no longer a controversial issue here in West Virginia.”

The bills (SB14 and HB2045) would protect West Virginia’s 40,000 LGBTQ citizens from housing and workers rights discrimination. According to Fairness, “Although sexual orientation and gender identity have no relationship to workplace performance, 27% of all LGB employees in the US reported having experienced discrimination in the past five years at work, and 78% of transgender people reported experiencing harassment.” More than a hundred people gathered in the rotunda to say loudly and clearly, that West Virginia can no longer maintain policies that tolerate this kind of abuse.

We hope this partnership will help the House to join with the Senate this year in passing legislation that ensures West Virginian workers are all, equally, protected from workplace and housing discrimination. Lawmakers must find the courage to put what the Daily Mail called “political footballs” aside, and recognize that West Virginians will not tolerate this intolerance any longer.

Community and Labor Groups Call for “Clean” Extension of Unemployment Insurance by Gary Zuckett, garyz@wvcag.org

Faith and Community groups joined with Labor organizations today at Noon at the state capitol to call on Congress to “Walk in Our Shoes” and extend Unemployment Benefits set to expire at the end of the month without punitive amendments and cuts.

Congress narrowly avoided cutting off Unemployment Insurance (UI) to millions of jobless workers when it agreed to a two-month extension

just before the holidays. But that extension will expire at the end of February, so Congress needs to fully renew unemployment insurance through 2012.

However, the House leadership has proposed barriers to benefits:

- Allow (states) mandatory drug testing of unemployment insurance claimants, stigmatizing jobless workers.
- Make jobless workers pay for their reemployment services.
- Deny benefits to those not fortunate to finish high school or obtain a GED.
- Let states reduce benefits and divert unemployment benefit funds to other uses.

Cody Ford, interim Director of the WV Council of Churches set the tone, “Those who promote increased and greater obstacles to extending unemployment insurance seem to be exercising what I would call a morality of accelerated social Darwinism in which it is not enough to promote the so called “survival of the fittest” but also calls for the swift and deliberate elimination of those considered to be the “weak”. This morality insinuates that the lapse in our economy is the fault of the unemployed and not those with the power and resources to create employment.”



Paul Monroe speaks at the “Walk in Our Shoes” rally.

Paul Monroe, an unemployed electrician, said he never collected unemployment until he was 45 years old, “I’d rather be working,” he said, “But if the jobs aren’t there we’ll need this extension of our

unemployment to keep us going until work picks up.”

Rick Wilson with the AFSC Economic Justice Project added, “Despite some recent good news on the jobs front, there are still nearly four unemployed workers for every new job opening. And, until recently, Congress has never failed to extend benefits in times of high unemployment. It’s time for action.”

WV’s Junior Senator is considering some of these same hindrances aimed at unemployed workers. Speakers at the event asked Senator Manchin, and all our Congressional Reps to pass a “clean” extension of Unemployment Insurance until the end of the year. “If Senator Manchin is leaning toward some of these punitive proposals,” commented Gary Zuckett, Exec. Dir. of the WV Citizen Action Group, “He should walk in the shoes of an unemployed worker before he votes with conservatives on barriers to extending unemployment.”

Conservative proposals could hurt our state economy as well as families on unemployment insurance. According to a state by state analysis by USAction.org, over 8300 unemployed WV workers would lose benefits under the House Leadership’s proposals. In addition, 1200 additional job losses would occur due to the over \$47 million drop in economic activity from such benefit restrictions.

Election Bill Round Up

By Julie Archer, julie@wvcag.org

Here is brief look at some of the election and campaign finance related bills we are watching this session.

Publicly Financed, Voter-Owned Elections – This year the Supreme Court Public Campaign Financing Pilot Project will provide Supreme Court candidates with an alternative to funding their campaigns with money from special interests and attorneys whose cases they may later rule upon. Unfortunately, a recent U.S. Supreme Court decision resulted in an important “trigger” mechanism in the program

being declared unconstitutional. This mechanism triggered the release of additional funds to participating candidates when they were outspent by non-participating opponents or independent expenditures. We are working with our legislative allies and the Secretary of State’s office to adopt a “fix” for the trigger fund provision. We are also working to secure additional funding for the pilot project (**HB 4016**) and asking for the program to be extended to the 2016 election cycle (**HB 4416**). Both bills have been referred to the House Judiciary and Finance Committees.

Post Citizens United Reforms – Two year ago, in *Citizens United v. FEC*, the US Supreme Court ruled that the First Amendment allows the use of corporate money in elections, opening the flood gates for unencumbered corporate political spending in our elections. **HB 2405** and **SB 154** would require corporations to disclose any expenditure for political activities to shareholders, the Secretary of State and the public. This transparency will enable the electorate to make better informed decisions and help give proper weight to different speakers and messages. In addition, requiring shareholder approval for corporate political expenditures protects the interests of shareholders and ensures that their own First Amendment interests are being acknowledged. These proposals have been referred to the Judiciary Committee in their respective houses.

In addition to HB 2405 and SB 154, resolutions have been introduced in both the House (**HR 8**) and Senate (**SR 7**) opposing *Citizens United* regarding the constitutional rights of corporations, and supporting the amending of the US Constitution to provide that corporations are not entitled to the protections or “rights” of natural persons, specifically so that the expenditure of corporate money to influence the electoral process would no longer be a form of constitutionally protected speech. SR 7 is in the Senate Judiciary Committee and HR 8 is in the House Rules Committee.

Same Day Voter Registration – **HB 3001** and **SB 431** would increase voter registration and participation by allowing citizens to both register **and** vote on the same day during our early voting

period. A growing number of states are adopting same-day registration (SDR) and studies have shown that voter participation is 10 to 12 percent higher in presidential election years in states that have SDR. SB 431 is before the Senate Judiciary Committee, while HB 3001 has been double referenced to the House Judiciary and Finance Committees.

Opposition to Voter Photo ID – In the latest election rigging scandal, two Lincoln County officials plead guilty to federal charges that they fixed the 2010 Democratic primary by illegally manipulating absentee ballots. A “fix by some legislators is to require voters to provide a photo identification (ID) when voting (**HB 4387** and **SB 532**). This would not have prevented the vote-fixing in Lincoln County, and would only serve as a barrier to law-abiding citizens exercising their right to vote. This is really voter suppression and African Americans, Latinos and new American citizens are far less likely to have identification. These groups have been the historic targets of disfranchisement efforts in this country and strict voter identification laws target them once again. Such voter ID laws exacerbate low voter turnout, a major problem confronting our democracy. This is no time to enact measures that risk depressing the vote of seniors, students, people of color and others. We already have a good system to prevent folks from voting if they’re not allowed. West Virginia shouldn’t enact voter suppression in the name of election protection. HB 4387 has been referred to the Judiciary Committee in the House, while SB 532 must clear the Senate Judiciary and Finance Committees.

A better fix to the recurring Lincoln Co. vote rigging is **SB 518** and **HB 4464**, which makes sure that those caught rigging elections will never be able to hold elected office again. These bills are awaiting action by the Senate and House Judiciary Committees.

Election Integrity & Preserving WV Post-Election Audit Requirement - No voting system is perfect. Nearly all elections today, in West Virginia and across the country, are counted using electronic voting systems. These voting systems have produced result-changing errors through problems

with hardware, software, and procedures. Well-designed and properly performed post-election audits can significantly mitigate the threat of error, and are an integral to any vote counting system. West Virginia has one of the strongest post-election audit requirements in the country, which requires a hand-count of the votes cast in five percent of randomly selected precincts in each county, and comparing those counts to the vote counts originally reported, as a check on the accuracy of the results. Unfortunately two bills introduced in the House (**HB 3103 & HB 4295**) and one in the Senate (**SB 510**) would limit the post-election audit to a single race or issue chosen at random for each of the randomly chosen precincts, undermining the intent and integrity of the audit. The bills have been referred to the House and Senate Judiciary Committees.

Made in the USA Challenge: BUY for Your Country, One Citizen’s Challenge

Charleston filmmaker, Josh Miller, has a unique idea to raise American consumer awareness. He's traveling around the country with a 30 day challenge -- buy American. The film’s website asks, "you are willing to die for you're country, but are you willing to buy for your country?"

According to Made in the USA Films, LLC's, the full-length documentary, Miller will attempt to discover if the label "Made in the USA" has value anymore. During his thirty day, cross country trip, Miller plans to speak with locals about the financial crisis and its impact on main street.

At the heart of the film, is the question of America's global economic viability, and the power of the American consumer to change the course of the recession's devastating impacts..

To help support the Charleston film maker on his journey, or learn how you can contribute to the film, visit <http://www.indiegogo.com/usa30days>

One West Virginia's Message – Justice for All, Now

by Maggie Fry, maggiemfry@gmail.com

Leaders from the social and environmental justice community shared a common message Wednesday at the capitol – now is the time that progressives must stand together to fight for equality in West Virginia. The goal of the lobby day was a lofty one -- a commitment for all of West Virginia to recognize that when one of us suffers injustice, we all suffer injustice. It is our civic obligation to demand dignity in our state, for all of our state.



Citizens gather from across the state for One West Virginia Rally Wednesday at the Capitol.

Representatives from economic justice, civil liberties, domestic violence prevention, environmental, LGBTQ and women's health organizations advocated for a wide range of bills that will make the mountain state safer, more just and more sustainable for all its residents. Using the metaphor, "Complete Streets," Jim Lewis and Margaret Chapman opened and closed the noon rally with an appeal to legislators to stand with their colleagues and pass common sense legislations for the citizens of this state that will protect our economy without endangering our citizens.

Videos of the day's events will be available on the West Virginia Citizen Action Group web site next week.

Power Companies Stall Energy Efficiency Bills by Cathy Kunkel, cathykunkel@gmail.com

Unfortunately there is not much to update this week on energy efficiency bills. In last week's update, we wrote about the least-cost planning legislation, Senate Bill 162, which would require power companies to analyze the full range of options for meeting future electricity demand to determine the lowest cost path. Because energy efficiency is cheaper than building new power plants, this sort of analysis would reveal that we need to be investing more in energy efficiency.

As we reported last week, the power companies are out to gut the bill, and Senate Judiciary Committee Chairman Corey Palumbo (D-Kanawha) is reluctant to put the bill onto the committee's agenda if the power companies are opposed. We are already halfway through the legislative session and this is the bill's first committee – clearly the power companies' game is to hold up the bill until it is too late. Please call Chairman Palumbo and ask him to stand up to the power companies and put Senate Bill 162 on the committee's agenda: 304-357-7880.

We are also working on H.B. 4363, which would set long term targets for our electric utilities to save money through energy efficiency. This bill is currently in the House Judiciary Committee, and the majority of committee members appear to be in favor of it. We will be speaking to the committee chairman next week about putting it on their agenda.

“Hawks Nest: Blood Beneath Our Feet”

SAVE THE DATE: FEB 19, 2012 (3pm to 5pm)
Join us at a special Black History Month free event at The West Virginia Culture Center, Charleston WV Award winning filmmaker Mari-Lynn Evans will present the PBS documentary project “Hawks Nest: Blood Beneath Our Feet” on February 19, 2012. Speakers will include the Rev. Ron English, Rev. Mathew Watts and Pastor Paul Dunn. Additional speakers and musical guests will be announced on the film's web site www.hawksnestfilm.com where you may also

preview the Movie Trailer. Call 304-521-7444 for information.

Friends of Blair Mountain ‘Occupy’ Arch Coal with Phone Calls

www.friendsofblairmountain.org

“Residents of Blair, West Virginia have noticed increased activity from mining company Arch Coal around Blair Mountain — site of the largest labor uprising in American history. Residents are becoming increasingly concerned about Arch’s activities and fear they will move forward with plans to mine the historic location.

Take action today – Tell Arch Coal To Save Blair Mountain.

Arch Coal has four planned operations on Blair Mountain, some of which intrude onto the battlefield. Tomorrow, this multi-billion dollar company will announce its profits from the fourth quarter of last year. Whatever those earnings are, the company has a responsibility to the community in which it operates.

Folks in Appalachia won’t stand for Arch Coal’s plan to destroy their community and our nation’s history just so they can increase their profit margin, and we shouldn’t either. Call Arch CEO, Steven Leer tomorrow, on Friday, February 10 and tell him that Appalachian communities should not fall victim to pad his profit margin.

Call Arch’s St. Louis headquarters: [\(314\) 994-2700](tel:3149942700)
Call Arch’s Charleston, WV headquarters: [\(304\) 760-2400](tel:3047602400)



Jude Bender represents the devastation caused by MTR during One West Virginia, Justice for All lobby day at the Capitol

To allow Arch Coal to destroy Blair Mountain would be to tear out a crucial page of American labor history and burn it. But even more important than the history are the lives of the people living at the foot of this mountain today

Call Script:

Hello, my name is ____ and I am calling to ask you to abandon your plans to mine the historic Blair Mountain. The whole world is watching, and I am calling on your corporation to do the right thing and stop the destruction of Blair Mountain, along with all other mountains and communities in Appalachia. Mountaintop removal mining is wrong and harmful to the people and communities below it. Please cease and desist from your Blair Mountain plans.”

WV Citizen Action
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Charleston, WV 25311

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 about us at www.wcag.org



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