



Capital Eye

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A Minority of Fools

by Norm Steenstra, norm@wvcag.org

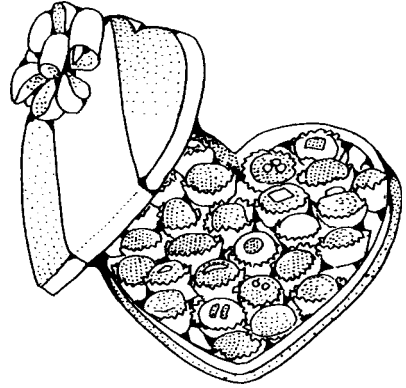
If you're like me, following the national and international news lately has been a depressing (and scary) experience. One tries to recount many of the progressive gains seen in the 90's that have so quickly evaporated. I wish I could tell you that at least things are well on the home front. I can't. The conservative right-wing agenda is operating on all its cylinders in Charleston. That alone should be all you need for a classic (and justified) case of the mid winter blues.

A month ago a conservative Christian group "persuaded" state officials to strike an award-winning civil rights program from state schools. And now, a similar group is pressing the state Department of Education to, in essence, discredit the teaching of evolution theory in favor of creationism. The following quote by Karl Priest, secretary of the Kanawha Creation Science Group, appeared in today's *Charleston Gazette*: "Evolution is a zillion times more impossible than the Blue Fairy, Santa Claus and the Headless Houseman. Evolution exists nowhere. It never has and never will."

More than a dozen "pro-life bills" have been introduced in this legislature. The "Informed Consent" bill has raced through the Senate and is now in the House. On Thursday, two bills sponsored by Speaker Bob Kiss were introduced that exclude certain records from the Freedom of Information Act and circumvent the state's open meetings laws in the name of homeland security. Stupid is as stupid does? We expect the overweight coal truck weight increase bill to be introduced and then quickly passed in the Senate next week. A compromise on medical malpractice will be made giving an almost complete victory to the doctors. A new bill, HB 2653, weakening the rights of landowners and increasing access to oil & gas drillers is also likely to obtain speedy legs and pass the House next week. So it goes! And we're not telling you the half of it.

Gloom and doom on this Valentine's day of love and friendship? You bet! What can you do besides reaching for your favorite medication?

Well, first and foremost realize and remember that the crew of the conservative freight train IS NOT the majority of citizens. An organized and well-funded minority is fueling the right-wing agenda. Indeed, the real majority is those who are either apathetic or hopeless or both. Do more than just read about what's happening. Send and spend money and time talking to friends. Help us help connect like-minded people that can write, call, e-mail, or scream the truth. In these times meekness or politeness are not going to make things turn around. We all, nationally and locally, must demonstrate that those steering the ultra-conservative coup do not represent our beliefs or values.



Oh yeah! **Happy St. Valentines Day!**

This week we are sending the *Capital Eye* to all of our members, even those who typically get the electronic version only. Why? Well, one of our members told us he needs that paper reminder so he can send in a donation. So.... we hope that this serves as a friendly reminder that we need your contribution!

Please renew your membership or send us a little extra this year. And a big **THANK YOU** to those of you that have sent in a contribution!

Remember, it's easy to donate on-line at www.wvcag.org. Or clip and snail mail to 1500 Dixie St., Charleston, WV 25311:

Name: _____

Address: _____

Here's my donation of \$ _____

Send me action alerts at my e-mail: _____

Insurance Industry Doesn't Want to Play Fair

by Gary Zuckett, garyz@wvcag.org

The assault on citizens' rights in our civil justice system continues. After getting their way on medical malpractice, insurance lobbyists have now set their sights on liability claims across the board. New bills, HB 2872 and HB 2809, are now in House Judiciary.

HB 2872 would abolish "joint liability." Joint liability is the legal term for holding all parties found at fault equally responsible. For instance, if an overweight coal truck ran over your sedan and injured your family, a jury might find both the driver and the trucking company at fault. If the driver files for bankruptcy or his insurance has expired and he could not pay damages, you could reclaim all damages awarded from the trucking company.

However, if joint liability is eliminated, then the jury is required to assess the relative fault of each party. Say they rule the trucking company is only 20% at fault. In the above scenario where the driver cannot pay, you are left with only 20% of your damages covered. This is not fair to victims of negligence and unscrupulous businesses of all

kinds. It favors wealthy insurance companies who can weasel out of paying full damages to cover those they insure.

HB 2809 is in the section of WV Code entitled "Unfair Trade Practices." The note section at the end of this bill reads: "The purpose of this bill is to bar third party claims against insurers for violation of the Unfair Trade Practices Act." The body of the bill adds this language to existing law, "...no claim or action may be filed against an insurer, its employees or agents alleging that the insurer, its

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Bottle Bill Introduced: HB 2926!

by Linda Mallet, linda@wvcag.org

On Monday, the WV Container Recycling and Litter Control Act, HB 2926 was introduced in the House of Delegates. Many thanks to the bill's sponsors: Delegates Doyle, Frich, Canterbury, Houston, Brown, Poling and Webster. And many thanks to Les Shoemaker, WV Farm Bureau lobbyist, whose organization has made the bottle bill one of its legislative priorities.

The bill has been double-referenced to the House Judiciary and Finance Committees. Now is the perfect time to contact your delegates and ask them to support a WV Bottle Bill!

WV-CAG and the WV-Farm Bureau will hold a **press conference at 1 PM on Monday, February 17 at the state Capitol on Farm Bureau Day in the House Minority Conference Room (Room 252)**. With the help of 400 farmers, we hope to get the word out that the bottle bill is an important piece of legislation that is supported by a broad-based coalition. Please come to the press conference if you can. On February 25, WV-CAG will have a table at E-Day! at the Capitol with bottle bill petitions and lots of information!

To sign our on-line petition, and to learn more about the bottle bill, please visit www.wvcag.org. It takes just a minute!

Axles of Evil: Round Three

by Julie Archer, julie@wvcag.org

You've heard the news. Truman Chafin says he will introduce the industry coal truck bill in the Senate, with a rafffull of fellow travelers co-sponsoring. It's greased in the Senate. Call anyway, they need to hear from you, and who knows? Maybe some of them will remember that this is still, at least in name, a democracy.

We have to kill it in the House. We killed it last summer after a massive public outcry. It's going to be hard to generate the same level of fever now, but that's what it's going to take to keep coal from running roughshod over our system of government, roads, houses, and, yes, our children.

They think they're slick. They sat back the whole session, while people were using up their juice on worker's comp, medical malpractice, tobacco, and all the other genuinely important issues that they've been screwing us over this session. Now, while the unions are doing battle to save workers' comp, the consumer groups and lawyers are trying desperately to save the civil court system, and all right-minded folks throughout the state are shaking their heads at Our Elected Leaders'

inability to even pass a tax on the most dangerous substance sold in America, Coal and Leadership are going to try to slip one through. They'd like nothing better than to raise weight limits while our backs are turned, and they'll do it, too, unless we show them, beyond any doubt, that our backs are not turned.

These guys heard from us all last year how we felt about it, and the fact that they're even bringing this up again proves THAT THEY DON'T CARE! So if you care at all about preserving some shred of democracy in these dark days of Bush's America, call your legislators right away! Call them at home this weekend.

Express Your Support for Clean Elections

by Julie Archer, julie@wvcag.org

The elections subcommittee of the Senate Judiciary Committee met on Wednesday and briefly discussed the West Virginia Clean Elections Act. The subcommittee devoted most of its one hour meeting to other elections bills, but members seem to have genuine interest in the bill and plan to take up the bill again at a future meeting. The elections subcommittee of House Judiciary did not meet this week and has not taken any action on the Clean Elections Act since it heard from Maine Rep. Boyd Marley on February 3.

As we said last week we are pleased with the treatment Clean Elections has received this session and hope the legislature will give this much needed reform a closer look during the interims. In order for support of Clean Elections to take root in the legislature, your representatives need to hear from you. Please call your Delegates and Senators and tell them it's time to take special interests out of the political process, and that you hope they will give the West Virginia Clean Elections Act (HB 2527 & SB 158) serious consideration. Calls to House and Senate Judiciary Committee members would be particularly helpful. A list of committee members is available at www.legis.state.wv.us/legishp.html.

Bond Issue Goes To Supreme Court

WV-CAG appealed its case to the Supreme Court this week and we expect the court to make a decision on hearing the case as early as Tuesday. We've said all along that in this case we feel we have 90% of the law and 10% of the politics on our side. Bond supporters unfortunately have 90% of the politics.

We've been increasingly criticized by folks for "obstructing" economic development with this case but the pursuit of the constitutionality of borrowing money and giving it away to private individuals supercedes any temporary delay in the projects. How convenient it is now to have a single group (WV-CAG) to blame for the chronic lousy state of our economy. Watch for e-mail action alerts next week as to if and when the case is heard.

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employees or agents has violated any provisions of this article..."

In other words insurance companies want to abolish the requirement that they treat their customers fairly. They want to delay, stall, and lowball insurance settlements without fear of retaliation. If this bill is passed insurers would have little to no incentive to settle disputed claims. If you think it's hard to get insurers to pay up now, don't let this bill pass the legislature.

The Medical Malpractice bill is now in a Joint Conference Committee to work out differences in Senate and House versions. The message for legislators is "Keep the Senate amendments in HB 2122."

The message is simple for the two new House bills. Tell members of House Judiciary not to give in to greedy insurance companies but to support your rights by voting NO on HB 2872 & 2809.

What's the Buzz?

by Phanny High There! Our Eye On Gossip

The state budget. Workers' comp. Budget shortfalls abound. What's the answer? In these tight times, whenever something generates revenue, it is fair play for any debt solution.

For instance, take the cigarette tax. We hear \$1 a pack, 55 cents a pack, 34 cents a pack. What should it be? I hear that the "true cost" of a pack of cigarettes in terms of health and societal costs is really \$7. The figures can make your head swim. Now legislators are looking at the increase in the tobacco tax as a solution to our \$2 billion worker's comp debt.

Let's do the math. Legislators are currently at odds over what amounts to, at most, 83 cents a pack (the difference between the current tax of 17 cents and the highest proposed figure of \$1). Will the new cigarette tax really make a dent in this debt? Let's see.....to pay off the Workers' comp debt we'd need a new tax of \$32 a pack! That outta help those cessation programs!

Citizens have a right to know. Consent should be informed. Is 24-hours really that long to wait before making a life-altering decision? Perhaps not. I just hope that those in favor of asking us to take that big 24-hour deep breath are for it in every major decision-making circumstance.

How about taking 24-hours to think about it before you strike your spouse or your child, before buying that gun, before getting in your car and driving drunk, before filing papers to run for government office, before getting married, before gambling away your life savings, before dumping toxic chemicals into a community's water supply, before unplugging life support, before having a vasectomy, before joining the Army? I could go on. And I probably will.