



# Capital Eye

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## Session Goes On Weather or Not

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

It's been a strange week in Lake Logic-Be-Gone. The aftermath of millions of people demonstrating against war and the state's snow-ice-rain-flooding storm seemed to make legislative events just a little less important.

Overweight coal trucks, SB 583, was introduced but by week's end seemed to slow down and get temporarily stuck in the snow.

We testified at public hearings, witnessed the Clean Elections bill get tabled until after the regular session, and saw the Workers' Comp bill passed out of the Senate without financial provisions on how to fund its deficit.

The Senate also passed SB 547 that, in effect, creates a second Circuit Court judge in Mingo County because Senate Majority Leader Truman Chafin (D-Mingo) doesn't like the current judge. The bill also includes a new judge vacancy in Wyoming County. House Majority Leader Rick Staton (D-Wyoming) has long-inspired to be a Circuit Judge.

Despite strong pressure from fundamentalists advocating the teaching of creation, the state Board of Education unanimously decided to remain in the 21st century by backing the teaching of evolution in West Virginia science classrooms.

Next week we expect the Senate to pass Coal's overweight truck bill and send it to the House. Watch for the House leaders and governor to criticize the Senate bill as being too friendly to coal but still call for an increase on legal weights. So tobacco tax, Workers' Comp, "tort reform" and trucks will all be in the news next week.

Another big issue to watch is whether or not Governor Wise will veto the Informed Consent bill quickly enough to allow the Legislature to override his veto.

# Supreme Court To Hear Lawsuit

Late Thursday the WV Supreme Court agreed to consider WV-CAG's challenge to the legality of the state borrowing \$200 million to grant so-called economic development projects. In an unanimous vote, the court decided that the case has sufficient merit and would be heard on Tuesday, March 11 at 2PM.

The American Civil Liberties Union also filed a "friend of the court" brief in support of WV-CAG's assertion that the economic grants law violates the separation of powers. Come and watch as our attorney Larry Harless presents oral arguments.

## "Bad Faith" Insurers

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

On Tuesday House Judiciary held a public hearing on the "tort reform" bill, HB 2809, described last week as the "insurance industry doesn't want to play fair" bill. It would exempt insurance from the state's Unfair Trade Practices Act by blocking "third parties" from suing insurance companies for acting in bad faith.

Norm Steenstra, always one to look for a way to illuminate some of the dim bulbs around the table, testified with this analogy: "Let's be selfish. Chances are that one day we will be in an accident with another car that is covered by a different insurance company. This makes us all potential 'third parties'."

The other bill blasted at the public hearing was HB 3033. It's designed to overturn WV court rulings that allow medical monitoring of citizens exposed to toxic or cancer-causing substances by negligent companies. WV has many undiscovered "Love Canals". Local residents exposed to these sites should be covered for medical monitoring and the guilty corporation should have to pay.

All this week legions of insurance lobbyists swarmed the Capitol to push their next wave of bills that take away more of your rights in the civil court system. We're fighting back as part of the WV Consumer and Victims' Coalition for Insurance Reform.

Today, the Coalition released a new TV ad taking on Big Insurance. See the Coalition Web page at [www.wvcag.org/victimrights/index.htm](http://www.wvcag.org/victimrights/index.htm) for the text of the Ad and maybe another video clip.

# Clean Elections Update

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

The House Judiciary Elections Subcommittee met Monday despite the snow and ice. The four members present for the meeting decided to recommend to the full committee that the West Virginia Clean Elections Act be studied at interims.

The Senate Subcommittee met on Wednesday but the Clean Elections Act was not on its agenda. When this committee discussed this bill last week there seemed to be genuine support for it and we are optimistic that this committee, too, will decide the concept merits further study.

If you haven't yet taken the opportunity to contact your legislators to express your support for this important and much-needed reform, please do so. In states like Maine and Arizona, where the option of public financing is available to candidates, citizens made Clean Elections a reality through initiative and referendum. Since we do not have this option in West Virginia, a ground swell of public support could make all the difference in whether or not the legislature passes the Clean Elections Act in the future.

***PLEASE BURN  
BEFORE READING***

*1972 Nixon White House memo on  
illegal campaign tactics being planned  
against Democratic candidate George  
McGovern*

# The \$1.37 A Day Bill

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

The coal industry bill to legalize killer coal trucks on West Virginia roads, SB 583, was introduced Monday. The bill, sponsored by Senate Majority Leader Truman Chafin and co-sponsored by thirteen other Senators, was taken up in the Senate Energy, Industry and Mining Committee Wednesday. Much to our surprise, this committee, which usually rubber stamps any coal-friendly proposal, held the bill over rather than pass it out because the committee's attorney was unable to answer several questions from its members.

SB 583 proponents say it contains safety and enforcement measures similar to those proposed last summer by Governor Wise – a **boldface lie** that prompted even the governor, who has supported increasing weight limits, to come out in opposition to the bill. Among numerous other flaws, the bill actually lacks these important provisions. They are a part of a comprehensive bill, HB 2493, introduced by Delegate Mike Caputo, that maintains existing weight limits and is a bill we support.

SB 583 is about one thing only, decriminalizing coal's illegal activity without regard for public safety and at West Virginia taxpayer expense. SB 583 has no fiscal note even though a DOH engineer told the Governor's Truck Safety Task Force last year that **it could cost as much as \$6.5 BILLION to upgrade roads and bridges to federal highway standards**. The bill's proposed \$500 special permit fee (\$1.37/day) will not even make a dent.

Coal says it needs higher weight limits to stay competitive with Kentucky, but this argument is completely bogus. West Virginia has produced more coal than Kentucky every year since 1994. The coal market is driven by the world economy not by state laws. If Kentucky's weight laws keep it competitive they don't do it very well. Kentucky raised weight limits in 1986. Between 1990 and 1999, coal production in West Virginia dropped 0.8%. During the same period, coal production in Kentucky decreased 2.4%.

Kentucky has a 126,000 pound weight limit with lax enforcement and that is what we will have in West Virginia if the legislature passes this bill. **A 1999 University of Kentucky study of traffic on the state's major coal highway, US 23, found that 88% of loaded coal trucks exceeded the 126,000-pound limit**. SB 583 is an invitation for even heavier trucks on our roads and more injuries and deaths to West Virginia citizens. It's urgent that you contact your legislators and urge them to vote against this outrageous bill, most likely to land in Senate Finance next week. We've requested a public hearing and will keep you posted via action alerts and at [www.wvcag.org](http://www.wvcag.org).

# Bottle Bill Makes It Into Senate

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

Just in the nick of time, SB 552 was introduced on Monday. Now we have bottle bill legislation in both Houses and it's time to make it move. SB 552 is double-referenced to the Senate's Natural Resources and Finance Committees.

Please call your Senators and Delegates and ask them to support the WV Container Recycling and Litter Control Act, SB 552 and HB 2926. There are lots of great reasons for a West Virginia Bottle Bill but remind your legislators that, since we rely on tourism, this 10-cent incentive to recycle would clean up our state and more than double our recycling rate. It would save you, a taxpayer, money on clean-up costs and landfill fees. If that's not enough, hit 'em with the money stick. Here's how:

West Virginians use 1 BILLION containers each year. A 10-cent deposit on these containers raises \$100 million. With a recycling rate of 80%, \$20 million in unclaimed deposits (tourists driving through, folks not wanting to redeem their containers, etc.) would remain in the state budget. **What other projects have they looked at this year that pay for themselves with some \$\$ left over?**

## Readers Write:

### **On ATVs:**

I thought it was illegal to drive an unlicensed and unregistered vehicle on public roads. And if they are registered wouldn't they be required to have insurance? Look on the bright side...while they are playing in the traffic they're leaving the countryside alone.

### **On Our Gossip Columnist:**

When Phanny talked last week about 24-hour waiting periods she should have added "Buying a Pack of Cigarettes" to her list.

***Send your comments to [linda@wvcag.org](mailto:linda@wvcag.org)***

# CONTACT YOUR LEGISLATORS:

Special interest group lobbyists are at the Capitol every day. Legislators are hearing just their side of the story, in many cases. Throughout the *Capital Eye*, we urge you to make your voice heard at the state legislature. Here's how!

E-mail: Use [www.wvcag.org](http://www.wvcag.org) and walk through the steps to easily e-mail your legislators and Governor Wise.

Call: Legislators toll-free at 1-877-565-3447 and Governor Wise at 1-888-438-2731.

## Announcement/Events

**Tuesday, February 25** at the state Capitol: **E-Day!** sponsored by the WV Environmental Council, 10 - 3 PM. Followed by a fundraiser/celebration at the Brick Cellar on Washington St. (right near the Capitol) from 5PM to 10PM. Come see tables and displays from green groups from across the state. Then eat, drink and enjoy music afterward!

**There will be a Public Hearing on Monday, February 24 at 9AM in the House Chambers on Hate Crime Legislation.** At issue is whether to add sexual orientation and disability to the state's law that already contains race, religion and political affiliation categories.

We are getting down to the final weeks of the session. Just one more *Capital Eye* to go! Please take the time today to send in a donation or renew your membership. Remember, it's easy to donate on-line at [www.wvcag.org](http://www.wvcag.org). Or snail mail us at 1500 Dixie St., Charleston, WV 25311:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Here's my donation of \$ \_\_\_\_\_

Send me action alerts at my e-mail: \_\_\_\_\_

# What's the Buzz?

by Phanny High There! Our Eye On Gossip

This week the coal industry finally let the cat, or should I say rat, out of the bag. No, it didn't unveil a statue of Coal Association Vice-President Chris Hamilton on the Capitol grounds (although I thought that might have been what he was referring to a couple of weeks ago when he was talking about HIS statue). It introduced its legislation to legalize killer coal trucks on WV highways.



Anticipating the bill's introduction, a local non-profit do-gooder organization sent a letter to the good people who had contacted it last summer in response to Ken Hechler's commercials, urging them to again voice their opposition to higher weight limits. The letter inadvertently gave out the wrong toll-free number for state legislators, and citizens unleashed their collective wrath on some unsuspecting egg farmers in British Columbia. When someone from said organization called to apologize, an egg company representative told her the worst part was callers didn't believe her when she told them they had the wrong country, much less the wrong phone number.

What does it say about our trust and faith in government when people think the legislature is trying to dodge calls by saying, "This isn't the legislature, you've reached an egg farm in Canada"? On the other hand, with some of the ideas we've seen hatched from under the golden dome this year, why would it surprise me that folks are a little cynical and have low eggspectations?

On to coal trucks. Please indulge me: Even if coal trucks have only done \$1 billion in damage to our roads and bridges over the years, at \$500 a year, it would take permits on 200,000 trucks for 10 years to pay this tab. It's good to be the king!

*West Virginia Citizen Action Group (WV-CAG) publishes Capital Eye during the Legislative Session. You can visit our website at [www.wvcag.org](http://www.wvcag.org), call us at 304-346-5891 or e-mail us at [linda@wvcag.org](mailto:linda@wvcag.org) to give us your comments and suggestions and to become a member. Since 1974, WV-CAG has been a nonprofit membership organization dedicated to increasing citizen participation in economic and political decision-making. By educating people about key public interest issues and involving them in the decisions that affect their lives, WV-CAG works for progressive changes in federal, state and local policies - ranging from environmental protection and consumer rights to good government and health care reform. Thank you for your support!*