



Capital Eye

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First Week Was a Full Week

The first full week of the session was, well, full! The pace started out fast Monday and got even more hectic as the days and meetings blended into a collage of issues and political posturing. The House passed several important bills on Friday including lowering the legal alcohol limit, ATV "safety" and an innovative bill linking drug price negotiations to a system used by the federal government. The legal alcohol limit bill was needed to capture \$10 million in federal highway money. The ATV bill was basically everything the ATV dealers wanted but most common sense safety amendments were defeated.

The insurance industry-backed "insurance fraud" bill was hammered through committee, taken to the House floor and then sent back to committee because a coalition of republicans, consumer friendly delegates and trial lawyers were successful in weakening many of the pro-industry aspects of the bill.

The WV-CAG lobby team has been very busy, participating in 5 news conferences, at least 10 TV news clips and numerous quotes on radio and in the newspapers. It seems that on almost every issue the media looks at us as "the other side" of the story.

We anticipate that early next week WV-CAG backed bills such as Consumer Advocate for the Insurance Commission, Payday Lending, Prescription Fairness and the Bottle Bill should all be introduced. Also the Water Quantity Preservation Bill (SB 163) will likely be the subject of considerable debate next week.

We hope you find the *Capital Eye* to be a good weekly summary. For the best sources for following the daily events of this year's legislative session, **tune into West Virginia Public Radio from 4:30 –5:00 each weekday and Public TV's Legislative Update each weekday evening at 6:30 and 11:30 PM.** (For listings, visit www.wvpubcast.org).

Volunteers Needed!

It's the Session and we need you - an hour or a day each week, whatever works for you! Help us with the phones, the *Capital Eye*, you name it! Call us at 346-5891 or e-mail linda@wvcag.org.

February 17: Help us collect containers during Deposit Day at the state Capitol. Bring your containers, get 10-cents for each one and then help us hand out dimes to others! Call Linda for more information.

Contact Your Legislators:

Call 1-877-565-3447 or visit www.wvcag.org, type in your zip code and send an e-mail directly.

Visit www.legis.state.wv.us for bill tracking, floor calendars and public hearing announcements.

Watch Out For...

Norm Steenstra, WV-CAG's Executive Director will share his views on WV's water issues on the Legislature Today, on public TV on Tuesday, January 27th at 6:30 and 11:30 PM.

Be wary of SB 221 – the Public-Private Transportation Act. This bill's intent is to supposedly help facilitate the construction of (toll) roads and bridges. New Mexico now has 80% of its highway budget tied up in these types of projects and South Carolina went three years without paving any roads because its highway funds were encumbered. Right now this bill is in the Senate Economic Development Committee.

WV-CAG Considers Endorsements

The filing date for running for legislative and statewide offices is midnight Saturday, January 31st. We will begin our political endorsement process in the next few weeks. Four gubernatorial candidates and several candidates for Secretary of State have expressed interest in receiving our endorsements. We'd love to hear from our members on which candidates for governor, secretary of state and the various legislative offices you'd like us to consider. Please contact Norm at 346-5891 or norm@wvcag.org.

Clean Elections: Election Reform That Makes Other Reforms Possible

by Julie Archer, julie@wvcag.org

The WV Clean Elections Act (now the “Public Campaign Financing Act”) would provide full public financing to qualified candidates who agree to limit their spending and reject all private donations. To qualify for public financing candidates must collect a substantial number of small contributions from registered voters in their districts. The bill is modeled after laws in Maine and Arizona where it is now the political norm to run for public office free from direct dependence on private campaign contributions.

In December, Clean Elections cleared a major legislative hurdle. Both Sub-Committee B and the full Joint Judiciary committee voted the bill out without recommendation. Its passage even without recommendation, kept the debate alive and we have a new bill this session. The bill was introduced today in the Senate (SB 270) and we expect the House version to be out early next week.

The interim committee amended the bill so that includes providing public financing to candidates for the circuit court and the State Supreme Court. As amended, availability of public financing for the various offices would be phased in starting with judicial and gubernatorial candidates in 2008. State Senate candidates would become eligible for public financing in 2010, followed by House of Delegates candidates in 2014.

SB 270 is referred to the Judiciary Committee and indications are that the committee is likely to consider the bill in the next couple of weeks. **Members need to be hearing from their constituents that Clean Elections is an important issue!** For a list of committee members and contact information visit the legislative website at www.legis.state.wv.us. If you plan to contact your representative via e-mail, you can simply go to www.wvcag.org and type your zip code into the box in the where it says, “Contact your legislators.” **Please thank Senators Hunter, Rowe, White, Caldwell, Jenkins, Kessler, McCabe, Sprouse and Unger for sponsoring this much needed legislation. Clean elections is a major step toward election reform that makes all other reforms possible!**

A fact sheet and answers to frequently asked questions about the WV Clean Elections Act are available at www.wvcag.org.

Bottle Bill Poised For Introduction

by Linda Mallet, linda@wvcag.org

We expect to see the Bottle Bill introduced in both the House and Senate next week. WV-CAG and the WV Environmental Council lobby teams spent this week recruiting bipartisan sponsorship. Senate sponsorship has doubled over last year with six senators signing on: Senators Brooks McCabe, Randy White, John Unger, Herb Snyder, Andy McKenzie and Larry Edgell. We expect the bill to again be double referenced to the Judiciary and Finance Committee. Once we know that for sure we will get you information on who to call. It's not too early to call your senators and delegates and ask them to support this proven litter control legislation that has worked for decades in other parts of the country!

Insurance Fraud Bill Yo-Yos Through House

by Gary Zuckett, garyz@wvcag.org

In a marathon 7-hour committee meeting on Tuesday the governor's insurance fraud bill (HB4004) was turned into a battle ground between "tort reformers" and consumer protectors. House Judiciary Chair Jon Amores began the fracas by introducing a committee substitute that contained lots of anti-consumer goodies for the insurance industry and "tort reform" in the guise of a first-ever limit on joint and several liability (J&SL). J&SL is a part of our law that allows victims of wrongdoing to collect damages from whichever wrongdoer has the funds to pay up. It makes sure injured parties are fully compensated when juries find cause to award them damages.

After hours of discussion and debate, a bi-partisan push passed several pro-consumer changes to the bill before passing it on to the full House. The bill was amended to expand the power of the Insurance Consumer Advocate, prohibit insurers from using a person's credit report to increase their car insurance rates (credit scoring), and, among other things, the provision on J&SL was modified in favor of the injured. All this was a total surprise to the chairman and shocked the insurance lobbyists who now hated the bill.

Later in the week, after some extraordinary parliamentary moves on the House floor (and back room deals) the bill was sent back to Judiciary to be "fixed." What came out of committee yesterday and was passed by the full House was called a "clean" version of the initial insurance fraud bill that sets up a fraud investigation and prosecution unit in the Insurance Commission. Gone were both the Insurance Lobby

goodies, the JS&L “tort reform” measure and, unfortunately, the tougher consumer protections. However, these same pro-consumer issues will now be address in the new Omnibus Bill on Insurance Availability & Affordability scheduled to be introduced soon. See the announcement article in this issue.

Advocate Part of Pro-Consumer Bill

by Gary Zuckett, garyz@wvcag.org

An exciting new effort to make the insurance industry more consumer-friendly was announced Thursday at a joint press conference with WV-CAG, the WV Consumer Attorneys, and WV Trial Lawyer Association. The Omnibus Bill on Insurance Availability and Affordability, if passed would make insurance companies behave better. Here are some of the high points:

Expansion of the Insurance Consumer Advocate Office – who now can only deal with health insurance, to deal with all insurance matters. The bill would also give the office more autonomy from the Commissioner such as the Advocates office in the PSC that WV-CAG helped create many years ago.

Full disclosure for all rate filings – would make insurers itemize their costs when asking for rate increases to make the process more transparent.

Prohibit the use of Credit Scores for rate setting – consumers are getting whopping rate increases on homeowners and auto insurance because of their credit report. What that has to do with how good a driver or housekeeper one is, know one knows.

Log on to our web page at www.wvcag.org for more info and watch future newsletters to follow the bills progress.

“There was a good news story in Mississippi. I went down there and it wasn’t because of me, it was because the doctors and the citizens understand the cost of a trial system gone array and they got themselves a law.” - George W. Bush

Source: Federal Document Clearing House, “President Calls for Medical Liability Reform,” Jan. 16, 2003

Water for the Future - A Better Idea

by Norm Steenstra, norm@wvcag.org

What started out as an obscure idea several years ago by former WV-CAG staffer Rick Eades and Senator John Unger (D-Berkeley) has evolved into one of the most important issues we've ever worked on. **The West Virginia Water Quantity Preservation Act (SB163)** is an attempt to once and for all declare that the people of the State own and have control of the waters of West Virginia. The bill also requires the state to determine the quantity of our water resources through an extensive inventory. It's a vision thing, aimed at establishing public ownership and policy for water quantity issues that may not arise for decades. Rhode Island and West Virginia are the only two states east of the Mississippi that have not passed such a law.

Four months ago Senator Unger was virtually alone in promoting the concept. But much has happened in the meantime. Now Democratic Gubernatorial candidate Lloyd Jackson, Governor Bob Wise and Senate President Earl Ray Tomblin have each expressed support of the bill's basic goals. Despite such support, the dinosaurs of the Chamber of Commerce and their allies, coal, power generation and the chemical industries, are screaming the "sky is falling down" thus making eventual passage of the bill an issue in doubt.

The politics are likely to be an attempt to weaken the bill to only include a half-assed water quantity survey. Any expression of support by you for a strong "Unger bill" to the legislators, media or Governor Wise can only help to achieve a better idea in West Virginia.

Call Governor Wise at 1-888-438-2731. Call your legislators at 1-877-565-3447. **Phone calls and snail mail are best!** Write your legislators at: The Honorable _____, Member of WV Senate/House of Delegates, Bldg. 1, State Capitol Complex, Charleston, WV 25305.

"The liberty of a democracy is not safe if the people tolerate the growth of private power to the point where it becomes stronger than the democratic state itself. That in its essence is fascism - ownership of government by an individual, by a group or any controlling private power." President Franklin Delano Roosevelt

What's the Buzz?

by Bill Gabbler, *Our Eye On Gossip*

Advertising agency big-wigs paced the Capitol halls this week as House leadership introduced and passed a bold bill, one that would make prescription drugs cheaper in West Virginia and allow us to negotiate with drug companies just like the Feds do. Savings projections are 42% or 35 cents a pill. Perhaps the best part of this legislation, and one that made these marketing gurus so nervous, is that drug companies would not be able to include marketing costs when they make a case for fair profits.

I don't know about you but quite often I don't even know what kind of drug the commercial is touting. The narrator will conclude with, "Ask your doctor if Gougetox is right for you." Can you give us a hint? Am I even the right gender? The people on the ads look very content and, in some cases, relieved. Sounds good to me, I just don't want to embarrass myself when I meet with my doctor. Give me a clue.

But, thanks to the WV Legislature, drug companies may have to cut corners when it comes to their advertising budgets which, as far as I'm concerned, is a double win for consumers. We pay less for our drugs and don't have to watch these meaningless ads.

So, sports fans, while this may spell the end of the Viagra NASCAR or Rogaine Super Bowl Half-Time Show at least we won't have to watch all those vague commercials and wonder if Bob **did** get a new haircut or if his new sunny disposition is attributable to his Levitra kicking in.

**Read back issues of the *Capital Eye* at
www.wvcag.org!**

West Virginia Citizen Action Group (WV-CAG) publishes Capital Eye during the Legislative Session. You can visit our website at www.wvcag.org, call us at 304-346-5891 or e-mail us at 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!