



# Capital Eye

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## Your Hard Work Pays Off! Clean Elections Victory!

On Monday, Senate Judiciary voted YES on Clean Elections with a 10-4 vote! This wouldn't have happened without your calls, e-mails and letters! Republican Senators Andy McKenzie and Lisa Smith voted for the bill along with Democrats Mike Oliverio, Larry Rowe, Jon Blair Hunter, Jeff Kessler, Herb Snyder, Joe Minard, Evan Jenkins, and Anita Caldwell. Senators voting against the bill were Steve Harrison, Mike Ross, Russ Weeks and Frank Deem.

Senator Harrison amended the bill to increase the qualifying contributions from \$5 to \$20 a person. Senator Hunter tried to persuade him to change the amendment so that folks could contribute BETWEEN \$5 and \$20. Senator Harrison refused to accept this suggestion. Then, despite amending the bill to his liking and having the opportunity to amend it further, he still voted against the bill!!

Please call Senators who voted YES and thank them for supporting this concept, and keeping the idea alive. Senators Larry Rowe and Jon Blair Hunter stood out as the bill's advocates in Monday's debate. Senator Randy White was out sick and unable to vote but he has been an outspoken and strong supporter of Clean Elections on this committee. He deserves our thanks as well!

If your Senator voted against the bill, let him know you are disappointed! Ask why he is against this VOLUNTARY funding track that will cost each voter only about \$1 a year and allow candidates to run without being beholden to special interest dollars!

The Public Campaign Financing Act (SB 270) now goes to the Senate Finance Committee. **When Finance Committee member and bill co-sponsor Senator Brooks McCabe heard the news he was anxious to try to get the bill on the committee's agenda. Finance has yet to take the bill up, but our understanding is**

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# It's All About Trust and Values

*by Norm Steenstra, norm@wvcag.org*

It's Friday morning and I just left the Capitol where 3 meetings on 3 different issues were going on in the same room. It's chaos, as bills must get out of committee today to survive the next two weeks. To compound the problem, legislators want to get on the road early and head home. We're watching 4 different drug bills, 7 insurance bills, 2 water bills.... bills on credit histories, the relocation of state government offices, coal trucks, clean elections, container deposits and payday lending. And these bills represent just SOME of the issues the WV-CAG lobby team is trying to follow, stall, influence or promote. No one lobbyist or even a team of lobbyists can diligently follow the multitude of issues. So, imagine the average legislator making an informed vote on them all! Times like this make me think of you, a WV-CAG member, and picture things through your eyes.

A WV-CAG member is obviously someone that cares about government and public policy and demands fairness and justice from both. Past that, I can't conceive of many of you out there in "membership land" having the time to follow in detail more than one or two issues. That is where trust and shared values come into play. I believe you are WV-CAG supporters because of common values and that more often than not you trust our lobbyists to provide balance and fairness to the arguments and self-centered motivations of "special interests."

When we examine a bill we note its sponsors, which often reveals the motivations behind the proposed law. Then, we try to ascertain how the bill will serve special interests. In the initial analysis, a bill often starts out rather black and white and the devil is in the details. There are so many issues and so many details that we finally boil it down to the rather simple formula of who gets the benefit and who gets the shaft.

Government is far from perfect. Legislating government is even less perfect and certainly public interest lobbying is at least as imperfect. That is why we so much appreciate our members and supporters as we try to improve a really screwed up system.

**See page 7 for a detailed look at the bills we are following in the session's final two weeks.....**

# Coal Pulls a Fast One to Get Its Way

*by Julie Archer, julie@wvcag.org*

About two weeks ago, the Senate Energy, Industry and Mining Committee (EIM) rubber-stamped SB 392, which amended the rules the Public Service Commission (PSC) uses to enforce the new “overweight coal truck law” that passed last year. The rule change weakened a provision that requires coal shippers and receivers to report weight and other transport information to the PSC by limiting it to those trucks operating in the 15 southern counties that make up the Coal Resource Transportation System (CRTS). The PSC and other opponents to the rule change have maintained all along that this is in conflict with the law’s intent.

SB 392 went to the Judiciary Committee, which, at the recommendation of counsel, passed the rule without the coal industry amendment. The Judiciary Committee then recessed so the Transportation Committee could hold a brief meeting. Transportation immediately took up a bill introduced by Senator Mike Ross, which removes the reporting requirement from the statute. SB 673 passed with no debate and in a 5-minute meeting the committee essentially took the teeth out of the law it passed last year.

Requiring shippers and receivers to report statewide established some level of accountability and removing that requirement opens the system to abuse and makes it more difficult for the PSC to enforce the law.

There is little doubt that this pig is greased. Still, Senators need to hear from folks that they should NOT weaken the reporting provisions for coal trucks. Tell them that coal trucks driving in EVERY county should be accounted for. Look for an update next week on this blatant example of pandering to industry. Our strategy will be to fight it in the House, where we will likely call for a public hearing. Stay tuned!

To track bills, floor calendars and public hearings, or to send an e-mail to legislators, **visit [www.legis.state.wv.us](http://www.legis.state.wv.us).**

**Not sure of your district? Log on to [www.wvcag.org](http://www.wvcag.org), type in your zip code and get all the contact information for your delegation. It couldn’t be easier!**

# Prescription Fairness Vote Next Week

On Wednesday, the House Health and Human Resource Committee passed the "WV Prescription Fairness Act," which would require insurance companies to cover contraceptives under their prescription drug plans. The debate over the bill was lively and it drew fire from some insurance industry representatives, who argued that covering contraceptives wasn't cost effective and would lead to higher premiums for consumers.

The day's quote came from J.P. Wieske, lobbyist for the Council for Affordable Health Care, an industry trade organization. Wieske likened requiring contraceptive coverage to "auto insurance covering oil changes." He said the cost of contraceptives falls in the same category as health club memberships, smoking cessation and weight loss programs, which health insurance plans do not cover.

Wieske's comments did not go over well with some members of the committee, and in the end may have actually helped the bill's passage. The 15 to 8 vote was bipartisan, although most of the Republicans and two Democrats voted NO. The bill now goes to the full House, where it will be voted on early next week. Please contact your delegates and urge them to support Prescription Fairness for West Virginia's women and families. To take action visit [www.wvcag.org](http://www.wvcag.org) and click on "Prescription Fairness."

## Bottle Bill Dies In Committee

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

This year the Bottle Bill had bi-partisan sponsorship and was better written than last year's legislation. Still, strong opposition rose to meet our efforts and we could not get the bill on either Judiciary Committees' agenda. While this is discouraging, it's important to remember that we certainly raised awareness of the issue this year.

First, Deposit Day, coinciding (completely by accident, I swear!) with the Soft Drink Association's Day at the Capitol brought legislators, staff, media and citizens to our booth and gave us a chance to explain the concept.

Secondly, industry lobbyists took this bill seriously. As I thanked the bill's sponsors this week, Senator McKenzie told me that no other bill brought more opposition (I paraphrase). He shrugged off the opposition, telling me, "I just can't understand why **anyone** would be opposed to controlling litter."

During the off-season we'll continue our grassroots efforts and education, and, with our sponsors, we'll work on drafting an even better bill for 2005. Next year we'll come back even stronger!

In the meantime visit [www.wvbottlebill.org](http://www.wvbottlebill.org) for more information and give us a call or e-mail if you'd like a bumper sticker!

Thanks so much for your support!

## **Auto Insurance Bill Lets Companies Drop For Any Reason**

*by Gary Zuckett, garyz@wvcag.org*

Senate Bill 468 is a wish list of insurance industry gimmies dealing with auto insurance. It would allow them to drop (non-renew) your policy for ANY reason as long as they tell you what the reason is and give you 45 day's notice. Under this legislation, which passed the Senate Judiciary Committee on Thursday, companies could force you to get a doctor's report that says whether or not you are fit to drive if they have any suspicion of a mental or physical condition that may impair your driving.

SB 468 would also make it easier to drop auto insurance if the driver has two at-fault accidents (or two 3-point tickets) in 3 years, as opposed to one in two years as it is now .

Senate Finance will most likely take this up on Monday or Tuesday so please call its members and ask them to "just say no" to insurance company giveaway's that hurt policy owners.

## **Insurance Advocate Missing in Action**

With all the pro-industry bills flying out of the Senate Banking and Insurance Committee one might hope that they would throw the consumer a bone or two to shut us up. NOT! It is apparently too much to ask to have an insurance advocate, similar to the one in the PSC, who could actually challenge rate increases that are now rubber-stamped by the Commission. However, the fight is not over. Watch for attempts to have the advocate position (SB 544) amended into moving legislation as the session draws to its conclusion.

**Remember: Call 1-866-WVB-FAIR with your insurance complaint or problem!**

**that if it makes it onto the agenda at this point it will be with the blessing of Senate President Earl Ray Tomblin. A green light from the President would itself be a victory, and would improve the bill's chances of passing. However, calls to members of the Finance Committee can't hurt, and at the very least it would be great to thank Senator McCabe and the other committee members and bill sponsors — Senators Vic Sprouse, John Unger and Tracy Dempsey.**

On Thursday, we had another victory when the House sub-committee passed out an pared down HB 4260. As amended the bill applies only to the Board of Public Works. The rationale behind limiting the bill to candidates for Attorney General, Secretary of State, Treasurer, Auditor and Agriculture Commissioner, is that it would be less expense to fund and can serve as a pilot program that can be expanded later to include other offices. The committee substitute also includes a funding mechanism – a 10% surcharge on civil and criminal penalties over \$1,000. As we go to press, we're anticipating a vote in the full House Judiciary Committee.

## **Contact Your Legislators/Governor**

Governor Wise: 1-888-438-2731; Senators & Delegates: 1-877-565-3447 or write your legislators at:

The Honorable \_\_\_\_\_  
Member of WV Senate/House of Delegates  
Bldg. 1, State Capitol Complex, Charleston, WV 25305

## **We've Still Got Two Weeks To Go!**

Now is a great time to renew your membership or send in a little something extra to help get us through the Session. Please clip and mail to 1500 Dixie St., Charleston, WV 25311:

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

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

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

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

## Here's the status of some bills we are following:

### Bills We Support:

Bottle Bill (SB 293/HB 4147)	Likely to die in Sen/House Jud
Water Quantity (SB 163)	Passed Senate/In House Jud
Clean Elections (SB 270)	Likely to die in Senate Finance
Clean Elections (HB 4260)	Still alive in House Jud
Pharmaceutical Affordability (HB 4084)	Stuck in Senate Health
Prescription Fairness (SB 4420)	Likely to Pass House Wed.
Insurance Advocate (SB 544)	Likely to die in Sen Banking
Insurance Roll Back (HB 4579)	Passed House

### Bills We Oppose:

Water Quality (HB 4193)	Likely to Pass House Monday
Coal Trucks (SB 645)	Likely to Pass Senate Tuesday
Public/Private (SB 221)	Likely to Pass Senate Tuesday
Auto Insurance Cancellation (SB 468)	In Senate Finance

### Compromise Bills:

ATV Safety (SB 4022)	Passed both Houses/On to Gov.
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As we go to press, the Clean Elections bill is on the agenda in the House Judiciary Committee. To those of you on our e-mail list, we'll send out an alert later today. If you don't get our alerts, call us or visit [www.wvcag.org](http://www.wvcag.org).

*"That lowdown scoundrel deserves to be kicked to death by a jackass, and I'm just the one to do it,"  
—A congressional candidate in Texas.*

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!