



Capital Eye

VOLUME 4

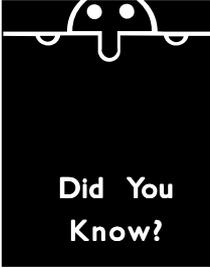
NO. 9

April 1,

2005

Fat Lady Warming Up

by Norm Steenstra, norm@wvcag.org



Did You Know?

Happy April Fool's Day! FYI, in this week's issue, the bills listed in the margins are jokes!

Several key issues are still alive as the session begins its final week. Two WV-CAG-backed election reform bills still have a good chance of becoming law. These bills would regulate 527 groups such as the one Massey Coal used to funnel \$3.5 million into the campaign to defeat Warren McGraw last year. The other bill would require a paper audit trail for electronic voting in the state.

The horrible Third Party Bad faith bill, already passed the Senate, but at this writing does not have the necessary House votes. We anticipate some major horse-trading to take place this weekend between the governor, House leadership and the insurance industry. Calls to all House members is the best way to defeat this scheme to trade your right to sue insurance companies for a promise of \$50 million in insurance rebates.

So far, so good this week for our attempt to keep the anti-wilderness resolutions from being adopted by the legislature. Hundreds of e-mails, phone calls and visits to the Capitol by wilderness advocates have made the difference in stalling this timber industry resolution. We'll also be watching closely as the coal, oil & gas and timber industries pursue major tax breaks during the session's final week.

Two of the most disappointing defeats so far in the session were the passage of a meaningless ethics reform bill and the defeat of our Clean Elections bill. The latter died in the Senate Finance committee Tuesday when Chairman Walt Helmick refused to take it up. This is indeed a bitter loss because we successfully shepherded the bill through two other committees and watched as 4 years of work went for naught.

Once again we were reminded this week that action from people like you makes a difference. Your opposition to the anti-wilderness resolutions made the issue too hot to handle for an already-stressed legislature. There's no newsletter next week but feel free to contact us for more information on bills you care about.



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WV-CAG

was founded in 1974
as a non-profit
membership
organization
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
& health care reform.



To become a
member or to
send comments
and suggestions,
visit

www.wvcag.org,
call us at
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Clean Elections Progresses But Dies In Committee

by Julie Archer, julie@wvcag.org

Late last Friday, the Senate Judiciary Committee took up SB 247, the WV Public Campaign Financing Act, which would have established a pilot project to provide full public financing for legislative candidates in two Senate and three single member Delegate district. The good news is the bill was passed out by the Judiciary Committee. The bad news is the bill was not taken up by the Finance Committee in advance of the deadline for bills to be out of committee in the house of origin.

While we are certainly disappointed that we won't have a pilot project in place for next year's elections, the Clean Elections concept continued to make progress in the legislature as the bill was approved by both Judiciary Committees. We will continue to work with our supporters in the Legislature, as well as Secretary of State Betty Ireland, to move forward with this much needed reform.

In the meantime, we remain optimistic about the passage of SB 245, which would reign in 527 groups and require disclosure by the sponsors of "sham" issue ads and other electioneering communications that currently escape regulation because they stop short of advocating a candidate's election or defeat. The bill would also prohibit groups that sponsor such ads from accepting contributions totaling more than \$1,000 per election. The bill was passed unanimously by the Senate. SB 245 now goes before the House Judiciary Committee.

PAL Project Update

As a member of the national Prescription Access Litigation (PAL) Project, we are seeking members who have, in the last 4 years, taken Celebrex or Nexium to participate in a legal action that could reduce consumer costs of these drugs. Call 346-5891 or 1-866-WVB-FAIR for more info.

Thanks Go Out To All

SB 801 -

sponsored by Sen.
Tomblin and
Sprouse (by
request of the
Executive) -
Annexing lands
west of the Ohio
River and south of
the Tug River
(formerly the
Commonwealth of
Kentucky)

HB 3404 -

sponsored by Del.
Amores, Beane,
Hrutkay, Hunt,
Manchin, Miley,
Staton, Webster,
Ellem, Schoen and
Trump - banning
traffic lights
generally, lifting
speed limits on
paved roads and
establishing
Corridor G as the
“Ambulance
Chasers Memorial
Highway”

Stay in touch.
Visit our website
for updates
throughout the year
www.wvcag.org

As we put together the last *Capital Eye* of the 2005 Legislative Session, we'd like to thank all of those Friday afternoon volunteers who helped us get it out the door. Thanks go out to Craig Wanless, Rick Wadsworth, Tim Dent, Rick Zeeger, Jill Oxley, and Josh Mallet for excelling at folding and “doting” the newsletter. Thanks to them we were able to make our 5:30 deadline at the post office each Friday.

We'd also like to thank the staff at the Phillips Group ~ Cyndi Bolton, Sarah Kidd and Laura Phillips ~ for donating their time, energy and paper so that we can mail out the *Eye* at the best postage rate available. Thanks for cleaning up our database and making us look good!

Damienne Dibble overhauled our look just in time for the Session and we appreciate her patience and publication talent.

Thanks to Jeff Bricker with Charleston Business Machines. Not only did he quickly respond to our copy machine emergencies, he stuck around to help make copies and kept our panic to a minimum.

And, finally, thanks to you, our members, for contacting your legislators over the past 60 days and letting them know you are watching. Without your calls and your financial support, our lobbying effort could not happen.

VVPB Legislation on Track

Legislation to require a voter-verifiable paper ballot (VVPB) for all West Virginia voting systems appears to be on track. The bill (HB 2950) was passed by the House on Tuesday and was taken up by the Senate the following day. We expected a final vote on the bill today but, because several Senators were absent, the vote was delayed until Monday.

HB 3405 - sponsored by Del. Anderson, Armstead, Ashley, Carmichael, Duke, Evans, Hall, Hamilton, Lane, Overington and Trump (By request of the US Attorney General) - Suspending certain Constitutional Rights, permitting torture of natural citizens engaged in free speech

House Supports Prescription Fairness

On Wednesday, the House overwhelmingly passed HB 3138, the WV Prescription Fairness Act on a 82 to 16 vote.

Opposition came mostly from Republicans – Delegates Armstead, Azinger, Blair, Cann, Carmichael, Ellem, Hall, Howard, Lane, Leggett, Overington, Sobonya, Stevens and Sumner – but three Democrats – Delegates Cann, Iaquina and Miley also voted against the bill. Please thank House members who supported Prescription Fairness for West Virginia women and families.

The bill now goes before the Senate Banking and Insurance Committee, where the Senate version of the bill stalled earlier in the session. Please call committee members and urge their support. Committee members are Senators Minard (chair), Jenkins, Chafin, Deem, Facemyer, Fanning, Foster, Guills, Helmick, Kessler, Lanham, Minear, Prezioso and Sharpe.

On Bottles

by Norm Steenstra, norm@wvcag.org

Largely because of the work and dedication of Linda Mallet, we've made real progress on the Bottle Bill this session. This year's improved bill takes the bottlers and retailers out of the equation and mutes much of their negative arguments. What we need now is not an attempt at passage, but rather for the Senate and House to study the concept in a careful and measured approach away from the frenzy of the 60-day session. The legislature holds monthly interim meetings from May to December. These meetings serve as an educational tool for legislators and offer all the stakeholders an opportunity to fine tune and perfect an already good concept.

I met with Speaker Kiss last week and requested that he place the Bottle Bill issue on the Interim agenda. His initial reaction was favorable and he saw the link between this bill and the growing landfill shortage in several areas of the state.

Calls from Kanawha County folks to Judiciary Chairman Jon Amores will go along way toward building momentum for next year's session. His number is 340-3252.

HB 3411 -

sponsored by Del.

Ennis, Doyle,

Lane, Caputo,

Amores and Miley

-The Clean

Elections Act of

2008, establishing

the Wishful

Thinking Advisory

Commission on

Election Laws and

Ethics



SCR 97 - sponsored

by Sen. Bowman,

Bailey, Boley,

Caruth, Helmick,

Jenkins, Kessler,

McCabe, Plymale,

Prezioso and White

- Requesting the

Joint Committee on

Government and

Finance study

increasing the size

and weight of trucks

allowed to drive

through the

loopholes in the

Ethics Commissions

exemptions

Deposit Day Brings in Thousands of Containers

by *Linda Mallet, linda@wvcag.org*

On Wednesday lobbyists, state workers and E-Day attendees enjoyed free water AND got 10-cents when they brought us their empties at our second annual Deposit Day. Held in conjunction with the WV Environmental Council's E-Day, our Deposit Day event is all about raising awareness for a WV Bottle Bill. At our mini redemption center at the Capitol, we collected over 3,000 containers! Students from Fairmont State, Shepherdstown, WVU-Parkersburg and WVU in Morgantown were on-hand to help us tote the containers to the trailer outside for recycling.

The group from Morgantown brought thousands of containers down in a U-Haul and placed the bags on the Capitol lawn in the shape of West Virginia! It certainly got the attention of Capitol employees who were strolling by to enjoy the 75 degree day. Kudos to the WVU students from Morgantown, led by Laura Wright and Corey Bonasso, who took time out from their class schedule to get a grant for the U-Haul and coordinate transporting the containers all the way to the state Capitol.

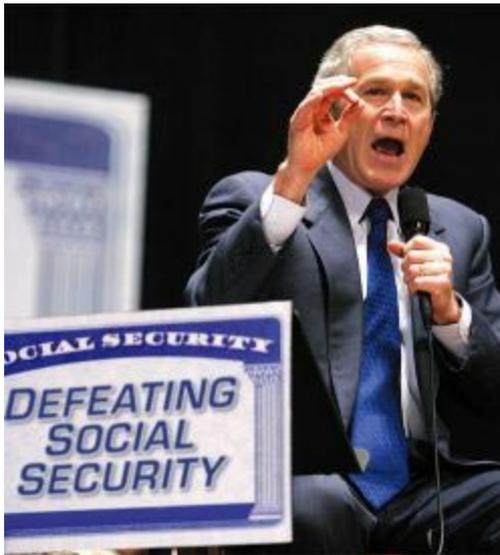
Thanks go out to Jamie Barnard and Ted Stuart from Parkersburg for staffing our table and for lugging cart after cart of cans and bottles. They even provided curbside service for one recycler who brought in cases of glass bottles. Thanks, too, to the Heizer-Manila Creek Watershed Organization for its donation of hundreds of water bottles. We put a 10-cent "deposit" sticker on the bottles and distributed them throughout the Capitol. It was a great attention-getter!

While we didn't get a bill passed this year (see page 4), please know that the issue is being talked about at the Capitol and that legislators are taking note when they get your calls. Thank you for your support! Momentum continues to build! The Cabell County Solid Waste Authority passed a resolution of support just last week. Please help us sustain this important energy and thanks!

Important Events

W coming to Parkersburg Tuesday, April 5

George W. Bush is coming to Parkersburg to push his Social Security plan. The White House has yet to announce the time of the event slated for the WVU – Parkersburg Campus. A diverse group of people opposed to the privatization plan are going to greet the president and offer their opinions on his ideas. For more information call us Monday at 346-5891 or 1-866-WVB-FAIR.

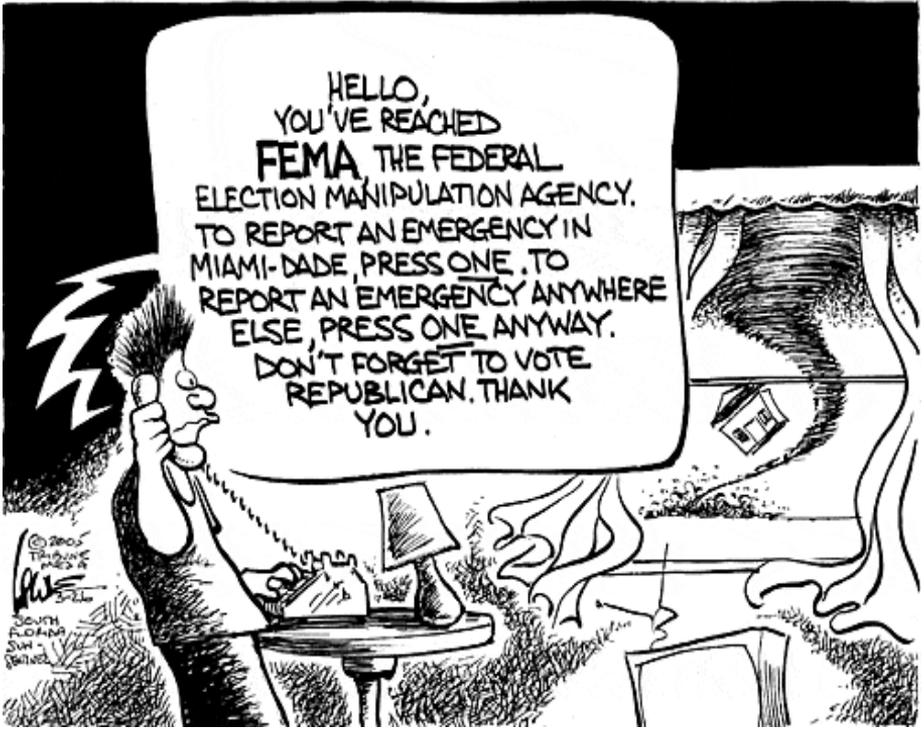


First Fridays **WV-CAG Office**

Starting May 6, WV-CAG will host an alternative to “Happy Hour.” Join us for light snacks, stimulating conversations and an opportunity to meet fellow WV-CAG members.

Mark it on your calendar - the first Friday of every month. Do you have a good book, video or DVD that you’d like to pass along? Bring it and trade it with someone.

First Fridays are free but please BYOB.



WAG We Need Your Support!

We can't do it without you
Please renew your membership, or send in a little something extra to help get us through the Session.

Name: _____

Address: _____

Here's my donation of ___\$15 ___\$25 ___\$50 ___\$100 Other \$_____

Please e-mail me action alerts to: _____

Clip and mail with your check to West Virginia Citizen Action Group, 1500 Dixie St., Charleston, WV 25311

THANKS!

Just in case you needed another reminder of why we need a voter verifiable paper trail when we vote

Electronic Voting Problems Discovered in Miami-Dade County

AP story from Thursday, March 31, 2005

MIAMI — A computer glitch caused Miami-Dade County's electronic voting machines to throw out hundreds of ballots in a special election this month and raised questions about votes in five other municipal elections, officials said.

The problem came to light when officials noticed a high number of undervotes in the March 8 election on whether to have slot machines at tracks and jai alai frontons. Undervotes are ballots with no recorded votes.

The elections department also identified five other suspicious municipal elections: West Miami, Bay Harbor Island, Surfside, Golden Beach and Cutler Ridge.

The undervotes wouldn't have changed the results of any of the elections, county Elections Supervisor Constance Kaplan said.

But County Manager George Burgess wants all the votes reviewed.

"It's disturbing, and that's an understatement," Burgess told The Miami Herald. "We have to take our responsibility seriously. Every vote needs to be counted."

Kaplan said 477 of 1,246 electronically cast undervotes in the slot machine referendum could be blamed on a faulty computer program. Bad coding told the machines to reject ballots if voters didn't press a red flashing button to complete the process. Normally, other safeguards would have ensured those votes were counted.

Kaplan blamed human error and said two supervisors have been reassigned. She said a project manager with Elections System & Software, which makes the machines, should have detected the problem.

The company said the county bears ultimate responsibility for all aspects of an election.

The Good Value Amendment

As we're going to press, there are rumors swirling of a possible amendment to one of the election reform bills. This amendment, the Good Value Amendment, follows up the justification for killing Clean Elections earlier this week. Under this plan, not only will costs of campaigns be borne by those best able to afford them, the rich, but legislative salaries and expenses will as well. No longer will taxpayers be forced to spend hard-earned money on paying the legislature's way, or be bothered with keeping track of the performance of their legislators.

Legislative salaries and expenses will now be paid directly by special interests. Lobbyists will keep track of the performance of legislators, and pay them based on how effectively they promote the client's interests.

The amount of legislative pay and expenses will be secret, as will the identity of the special interests who are covering them. In an extension of the lawsuit immunity provisions the legislature passed for themselves this week, members will also be immune from prosecution under any laws that the Good Value Amendment may be inconsistent with.

Finally, although the Ethics Commission will be authorized to investigate complaints against individual members, only those complaints lodged by the special interest that had made a payment on the grounds that they didn't get good value for their investment will be followed up. Any other citizen filing a complaint will be prohibited from commenting publicly on that complaint- oh, wait, that was another bill.

(And, from all of us at WV-CAG, Happy April Fool's Day!)



**WV Citizen Action Group's
Annual Spring Dinner
Friday, April 29 ~ Coonskin Park
Clubhouse**

**If you've been there, done that, you'll
want to do it again this year!**

5:30 PM - Reception with music and hors d'oeuvres
Bid on interesting & eclectic items in Silent Auction

6:15 PM - Buffet/Drinks/Mingling/Great Food
Sample taste delights from our expansive buffet

7:30 PM - Awardees:

U.S. Senator Robert C. Byrd
In Defense of Democracy Award

Michael Lipton
Don Marsh Public Service Award

Dave McMahon
Thomas A. Knight Excalibur Award

Keynote Speaker
Billy Jack Gregg
Public Service Commission Consumer Advocate

For more info, call 304-346-5891 or e-mail linda@wvcag.org.
Tickets ~ \$35/person or \$60/couple