

Did You Know?

Capital Eye comes out weekly during the Legislative Session and bi-monthly throughout the rest of the year. If you have questions or comments about its content, please contact us. *Capital Eye* is produced completely in-house. This process has its pros and cons. For instance, we save money on printing costs (good) and sometimes we mess up on details like page numbers (not so good). Thanks for your understanding! If you'd rather receive the *Eye* on-line, e-mail linda@wvcag.org

The Good, the Bad and the Ugly

by Norm Steenstra, norm@wvcag.org

About every year we run an article about the session with this same title. It seems like the Legislature, either in Special or Regular session, has been meeting since the first of the year. Now, during this rare respite from watching the domed (doomed)? events we can summarize what so many days of law-making mean to the state. Few good things occurred. A lot of bad laws were passed and some downright ugly additions to our state's code of laws were made.

The good news first: WV-CAG-backed bills providing for Prescription Fairness and verified voting with a paper trail were signed into law. Also the "Bottle Bill" issue gained new stature by being elevated to an in-depth 6-month long study by the Legislative Interim process. For more than a year it has been our goal to take this worthy concept and have the legislature focus on its merits. Bottle bill proponents need to especially thank Speaker Bob Kiss for the Interim study.

Legislators, in numerous bills, sent the message that they think it's perfectly proper to regulate how people behave in their personal lives. However, in failing to pass a meaningful Ethics Act or the Clean Elections Pilot Project they once again refused to place limitations on their own behavior or set ethical standards on self-serving activities. Such is the nature of power.

Significant tax cuts for coal, oil & gas, and timber were also passed but, to the governor's credit, he vetoed these budget-busting measures. Very few people were disturbed by the new \$3 a month mobile phone tax increase but even fewer dared to challenge the tax cuts for the extractive industries. Perhaps the worst step backward for West Virginia consumers was the overwhelming passage of the "third party bad faith" bill that
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W V - C A G
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
304-346-5891,
or e-mail us at
linda@wvcag.org**

Paper Trail Ballot Becomes Law

by Julie Archer and Hedda Haning

It's official! On May 4, Governor Manchin signed HB 2950 making West Virginia one of seventeen states requiring a voter verifiable paper ballot for all voting systems.

While there are six bills pending in Congress to require a voter-verifiable paper ballot, it is quite possible that none of them will even be considered until 2006. Passage is likely to come too late to be of any immediate help. This is why the decisive action taken by the Legislature is so important.

HB 2950 also:

- ◆ Requires that elections conducted on electronic voting machines be subject to random recounts in 5% of precincts. During the required post-election canvass and any requested recount the paper ballot will be the vote of record.

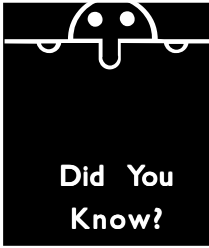
- ◆ Requires that the voter be able to view (or hear) the actual selections recorded on the paper copy and verify they are correct before the ballot is cast. (Unless you have paper ballots that have been verified and approved by voters, no meaningful audit can be done.)

- ◆ Authorizes the use of ballot marking devices – essentially a computerized marking pen designed to provide privacy and accessibility to voters who are blind, vision-impaired, or have a disability or condition that would make it difficult or impossible to mark a ballot in the usual way. A ballot marking device records votes on a standard optical scan ballot. This excellent technology can be used with a variety of interfaces, including touch screens with magnified font, a sip and puff device, or an audio function; and has multiple language capabilities.

- ◆ Authorizes the use of precinct scanning devices to alert voters of over or under votes and provide them with the opportunity to change or correct ballot selections prior to depositing the ballot into the ballot box.

This comprehensive legislation is a positive step toward insuring a valid voting process, and is complimentary to the Secretary of State's plan to help West Virginia counties become compliant with the Help America Vote Act (HAVA).

The Secretary and members of the Legislature, especially the
(continued on page 11)



55 billion aluminum cans were wasted (not recycled) in 2004, 9 billion more than were wasted in 2000—810,000 tons of metal that is either buried in a landfill; burned in an garbage incinerator; or littered along the nation's roads, parks and beaches. To visualize 55 billion wasted cans imagine the Empire State Building filled with cans twenty times. It is a quantity equivalent to the annual production of 3-4 major primary aluminum smelters. (source: Container Recycling Institute)

MSERF Recognized For Intern Project

In April, the Mountain State Education and Research Foundation (MSERF), WV-CAG's sister organization, received the Service Learning Agency Award from the Kanawha Service Learning Collaborative. MSERF was nominated for this award by the Service Learning staff at the University of Charleston because of our work with 29 freshmen students there last year. The students participated in our Voter Registration/Get Out the Vote efforts in the fall. They registered hundreds to vote, held voter education meetings and led the "Boat To Vote" event during which we took voters to the polls on the "Spirit of South Charleston" sternwheeler.

Bottle Bill Makes Interim Study List

by Linda Frame, linda@wvcag.org

We got a silver lining to the 2005 legislative "cloud" when leadership decided to "study the feasibility of requiring a refundable deposit on all beverage containers" during the 2005 interim process. A combination of your phone calls, our lobbying presence, support from state staff and a meeting with Speaker Kiss were all key in this victory.

What does this mean? The best hope for progressive legislation in recent years has been attention at the interims. Given the broad benefits of the Bottle Bill and the knee-jerk outright dismissal of those benefits by powerful, well-funded industry groups, the interims will be an excellent venue for us to talk in greater detail with more legislators and to craft a bill that makes the most sense for West Virginia.

As the Bottle Bill begins to get greater scrutiny, we plan to host "Deposit Days" in several communities across the state. If you know of an event such as a recycling day that will be taking place in your home town, give me a call. We plan to set up mini redemption centers, "refund" people 10-cents for their beverage containers and raise awareness about the benefits of a West Virginia Bottle Bill. Contact me at linda@wvcag.org or 346-5891 for more information. You can also visit www.vvbottlebill.org to learn more. Thanks!

Prescription Fairness Act Becomes Law

Thanks to the efforts of a broad coalition of organizations led by the WV FREE Coalition for Reproductive Freedom, the Legislature overwhelmingly passed HB 3138, the WV Prescription Fairness Act. On May 4th, bill sponsors Del. Bonnie Brown, Del. Jon Amores and Sen. Dan Foster along with representatives of WV-FREE, Women's Health Center, Planned Parenthood, National Association of Social Workers-WV, WV-CAG and other coalition partners attended a private bill signing in Governor Joe Manchin's office.



We rely on your contributions throughout the year. Membership support keeps us going. Thanks to all of you for your membership renewals, donations and fundraiser sponsorships. We couldn't do it without you!

The bill only requires that insurance companies cover the cost of contraceptives for their policy holders and their spouses, exempts coverage of dependents and has a fairly broad exemption for religious employers. While we would have liked a bill that ensured coverage across the board, we consider this bill an important first step towards equity in contraceptive coverage and increasing access to basic health care for West Virginia women and families.

Challenge Grant Goal Reaches Half-way Point

The Piper Fund's Challenge grant to Clean Elections partners OVEC and WV-CAG is halfway to its goal of raising \$25,000, thanks to your generosity. We are encouraged by the initial response but have only 60 days left to raise the other \$12,500.

The Challenge grant is a unique opportunity to "double" your gift because every dollar donated is matched by the Piper Fund. That is the good news! The not so good news is that if we don't raise the full \$25,000 Piper will not provide the match.

This grant is critical to the Clean Elections campaign because, recently, another long-time funder failed to fund our joint campaign. Please help us continue the important work of exposing the "special interest" money in our election process and offering real alternatives to the status quo. Please make your check out to OVEC-Clean Elections and send it to the CAG address (see form on page 11).

The Social Security Canard

by Ted Boettner, ted@wvcag.org

Mark Twain once said that a lie can get halfway around the world before the truth even gets its shoes on, and, folks, it's hard to find a more compelling example than the lie about Social Security's impending "crisis" or "bankruptcy." Other lies include claims that the trust fund contains "worthless IOUs," "baby boomers" aren't going to have enough workers to pay for them, or "private retirement accounts" benefit the general population. Here are a couple of FACTS:

◆ According to a study by the Social Security trustees, the system is solvent until 2042. A General Accounting Office study extends that solvency to the year 2052. A problem that might occur 40-50 years from now is hardly a crisis.

◆ While it is true there's no 'actual' money in the trust fund, the same could be said of the money in your local bank account. That's because when you open a bank account, the bank lends your money out. Hence banks and other financial firms, and in this case the U.S. Treasury, don't leave money lying around – they use it based on an implicit promise to repay you.

◆ It's true that the number of working people is going to be less relative to the number of elderly people, but this is a strictly meaningless statistic. As Mark Weisbrot of the Center for Economic and Policy Research (CEPR) points out, "most of the baby boomers will be dead" by 2042. The fact is the "boomers" were taken care of by 1983 payroll tax increase.

◆ The president's privatization plan does nothing to address Social Security's long-term solvency and is being used as a device to destroy the program from within and put workers at the mercy of the stock market, which is hardly a means of gaining security – as Enron employees know very well. It's no coincidence then that the biggest backers of privatization – the Wall Street investment firms who have funneled millions into this campaign – have the least to lose and the most to gain. According to University of Chicago Economist Austan Goolsbee, it would be "the largest windfall gain in American financial history." While Wall Street could rake in "\$940 billion in investment fees over the next 75 years," the average West Virginia worker under Bush's latest proposal would see "a benefit cut of \$111, 874."

Please contact Rep. Capito and tell her to vote no on any proposal that would slash benefits, and privatize retirement accounts and ultimately dismantle the best anti-poverty program in history. Congresswoman Capito's local office number is 304-925-5964.

Clean Elections Post-Session

by Julie Archer, julie@wvcag.org

During the 2005 legislative session the WV-CAG lobby team and our partners in the Clean Elections coalition worked hard to pass HB 2486/SB 247, a Clean Elections pilot project approved by both House and Senate Judiciary committees. Unfortunately, the bill died in the Senate Finance committee. While we are disappointed that we won't have a pilot project in place for next year's elections, the Clean Elections concept and other election reforms made significant progress.

We will continue to work with our coalition partners, our supporters in the Legislature, and Secretary of State Betty Ireland to come up with a strategy for next year's legislative session, however, most of our efforts over the next several months will be devoted to putting together an analysis of the 2004 Election Cycle and the special interests who are financing West Virginia political campaigns. The report is scheduled for release this fall.

The West Virginia People's Election Reform Coalition (PERC-WV), a joint project of the Ohio Valley Environmental Coalition (OVEC), WV-CAG and our sister organization, the Mountain State Education and Research Foundation (MSERF), has been monitoring campaign finance in West Virginia since 1996. Once our analysis of contributions in the 2004 election is complete, we can compare five election cycles.

The 2004 database has over 48,000 entries and includes contributions to legislative, gubernatorial, Supreme Court and other statewide candidates, as well as contributions to state political party PACs totaling \$22,785,407. Although the numbers are likely to change slightly as we continue to identify contributors and conduct a final audit of our data, a preliminary analysis revealed the following:

- ◆ Candidates and their family members continue to be the largest source of funding for campaigns, accounting for 31% (over \$7 million) of all contributions made during the 2004 Election Cycle.
- ◆ Contributions from health care providers and coal interests were the biggest source of special interest campaign funding for candidates.
- ◆ Doctors, hospitals and other health care providers poured nearly \$2 million into candidates' campaign coffers, with \$1.2 million going to legislative winners, Governor Joe Manchin and Supreme Court Justice Brent Benjamin collectively.
- ◆ The coal industry contributed \$1.4 million to candidates, with nearly \$1 million going to legislators, Manchin and Benjamin.
- ◆ Other interests that gave at levels near, but not exceeding, the \$1 million mark include consumer or trial lawyers, other lawyers, and real estate & construction.
- ◆ Governor Joe Manchin raised \$4.8 million, a record for a gubernatorial

candidate. (Bob Wise raised \$2.9 million for his successful bid in 2000. Cecil Underwood raised \$2.6 million that year, and \$2.2 million in 1996.) Top contributors to Manchin's campaign were: health care providers \$569,462 or 12% of total contributions, real estate & construction \$495,225 or 10%, and coal \$462,737 or 10%.

- ◆ Legislative candidates raised nearly \$6.5 million in 2004. This included nearly \$500,000 in contributions carried over from previous campaigns. 66% of contributions to legislative candidates, or \$4.2 million, went to candidates who won.

- ◆ The special interest groups contributing the most to legislative winners are the same as for the 2002 election cycle.

- ◆ Health care interests were the biggest source of funding, contributing \$512,498, or 12% of total contributions to members of the legislature.

- ◆ Candidates and their family members were the second biggest source of funding giving \$336,063, or 8% of total contribution, and labor was a close third contributing \$326,205, or 8%.

- ◆ Two other interest groups gave over \$250,000: coal contributed \$283,657 and consumer lawyers gave \$277,950.

- ◆ Candidates for the WV Supreme Court of Appeals collectively raised \$2.8 million. \$913,257, or 32% came from lawyers. Former Justice Warren McGraw raised \$1.2 million for his re-election bid. His general election opponent, Brent Benjamin, raised nearly \$800,000.

- ◆ McGraw drew heavily from lawyers. Consumer lawyers contributed \$310,867 to his campaign, other lawyers contributed \$413,287 and corporate lawyers contributed \$37,650. These contributions account for 64% of all contributions to his campaign. McGraw and family members contributed \$135,204 to the campaign, or 11% of total contributions.

- ◆ Coal was the largest contributor to Benjamin's campaign, contributing \$233,250 or 29% of total contributions. Health care providers were the second biggest contributor, making up 12% of all contributions, or \$93,403.

Surface Owner's Guide Available

If you own property in West Virginia and want to know your rights as a Surface Owner, there is now a guide available on-line to help you. This Guide is for you if you own and/or live on the surface, and you are or may be subject to oil and gas drilling or production activities, but you do not own or have any rights to the oil and gas under the land.

The guide is free and available at www.wvcag.org. Once you fill out a brief registration (so we can send you future updates), you can download the guide.

To save you time (and printer ink), we can mail you a copy for \$15 to cover copying and postage costs. E-mail linda@wvcag.org or call 346-5891.

“National Health Act” Bad For Your Health

by Gary Zuckett, garyz@wvcag.org

Just when you thought that enough damage has been done to the civil justice system through state caps on malpractice and other state limits on citizens’ access to the courts comes this piece of work. I love the Orwellian title – “National Health Act.” The only healthy thing it will do is fatten the profits of the insurance industry, nursing homes and drug companies as it generously provides them with caps on damages similar to the ones we passed here in WV for docs – only it is even more restrictive and will apply to every state.

In an effort to fix the non-existent “frivolous lawsuit” crisis, Congress is turning its back on the 98,000 patients who die each year of preventable medical errors. A briefing paper just released by the Economic Policy Institute called “The Frivolous Case For Tort Law Change” www.epi.org/content.cfm/bp157 clearly debunks the lies, distortions and propaganda used to promote the caps in damage awards and other restrictions offered as the solution to this invented crisis. Some of the Institute’s findings are:

- There is no tort liability crisis.
- The tort system is not the cause of insurance premium increases in recent years. The actual causes are the collapse of the stock market; record low long-term interest rates and high and rising medical costs, which pushed up health insurance premiums.
- No evidence has been presented that the tort system has reduced real wages and caused job loss.
- There is no basis for the claim that tort law changes now being considered will result in more jobs. Indeed, there is evidence that the significant changes in the tort system that have been proposed would slow job growth.

Contact both WV Senators and ask them to “Just Say No” to new liability limits for drug companies, nursing homes, and other medical providers as proposed in the so-called National Health Act of 2005.

Find out how much Social Security you will loose under the president’s plan at www.americansforsocialsecurity.com - click on “Calculate your Loss”

The New Guy

by Ted Boettner, ted@wvcaq.org

Hello! My name is Ted Boettner and I was born in West Virginia and grew up on Charleston's West Side. After graduating from high school in 1997, I attended college and studied journalism and political science. In 2002, I moved back to Charleston and worked as a law clerk investigating flood damage in southern West Virginia. During this time, I also became active in WV Patriots for Peace and the National Lawyers Guild. In the fall of 2003, I moved to New Hampshire to begin post-graduate work in international relations and public policy. While in New Hampshire, I became an intern with the Howard Dean campaign and worked as a research assistant at the university.

After completing my graduate course work, I moved back to Charleston and helped manage Erik Well's campaign for U.S. Congress. When the dust settled after November 2nd, I spent the next three months completing my master's thesis on epistemic communities and American foreign policy. Upon completion, I began volunteering at the WV Environmental Council and this led to me accepting a position at CAG.

For the past two months, I've been working on federal issues, media reform and development.

In my brief time in politics I've learned two important things: first, that we should not uncritically accept what we are told and think for ourselves; and second, that what happens at the bottom echelons of society is as critical as what happens at the upper reaches of society. When I'm not working for CAG, I enjoy riding my road bike, hiking, reading (especially American foreign policy), and spending time with family and friends. Also, on occasion, I enjoy brewing beer and traveling around the Mountain State.

(Good, Bad and Ugly - continued from page 1)

traded away our right to sue insurance companies that deliberately act in bad faith.

Once again West Virginia was the subject of national ridicule when, during the infamous "wee hours of the last night of the session", an amendment making English the state's official language was snuck into a bill. Again, to the governor's credit, (and probably reacting to the bad national press) he vetoed the bill.

Those of us who have their EYE on the Capitol are increasingly more disgusted by the level of self interest, self importance and mediocrity into which the legislative process has devolved. Our only hope, your only hope, is to recruit and elect new candidates within your own districts. If you know someone, or perhaps are considering running next year yourself, please give me a call and let's see what we can make happen.

Important Events

Join the Buy-Cott - Gas Up at Citgo

Citgo is a U.S. refining and marketing firm that is a wholly owned subsidiary of Venezuela's state-owned oil company. Money you pay to Citgo goes primarily to Venezuela — not Saudi Arabia or the Middle East. There are 14,000 Citgo gas stations in the US. (Visit www.citgo.com/CITGOLocator/StoreLocator.jsp to find one near you.) By buying your gasoline at Citgo, you contribute to the billions of dollars that Venezuela's democratic government is using to provide health care, literacy and education, and subsidized food for the majority of Venezuelans.

Upcoming Social Security Town Hall Meetings

On **Tuesday, May 31, 2005**, West Virginians United to Protect Social Security will continue its statewide effort to educate people on the poverty of privatization at the Upshur County Senior Center on 28 N. Kanawha Ave. The town forum will start at 6pm and will include panelists from AFL-CIO, WV-CAG, WVU Institute for Labor Studies and Research, AARP, and others. The panelists will provide information and answer questions. The meeting is open to the public and nonpartisan. Speakers will present how changes in Social Security will affect current and future recipients. If you're in the area, we hope you can join us.

Here's a list of other upcoming Town Hall Meetings:

June 16: Clay Co./Clay, WV, Clay County Court House, Commissioner's Room,
Main Street on left, 5:30 pm.

June 28th: Clarksburg - time and place to be determined

July 21st: New Martinsville, 191 Main Street - 6:00 pm.

Please check www.wvcag.org for updates or contact Marge or Ted at 346-5891 or 1-866-WVB-FAIR (toll-free).

First Fridays

WV-CAG Office

Mark it on your calendar - the first Friday of every month, 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.

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.



(continued from page 2)

bill sponsors, should be applauded for their efforts to protect the integrity of elections in West Virginia and ensure that citizens can continue to have confidence in our democratic process.

Local and statewide organizations and their members who supported our legislative efforts including, (but not limited to): Common Cause-West Virginia, the Fair Shake Network, the National Association of Social Workers-WV and the WV Council of Churches. Thanks to all of you who made phone calls and sent letters and e-mails during the legislative session.

We would not have been taken at all seriously without the advocacy of Verified Voting and Bob Kibrick in particular. He presented the issue of computerized voting to the interim committee and worked with us reviewing bills and providing technically correct language. Bob's technical expertise and knowledge of voting systems was invaluable to our efforts. While we hate to divert much needed funds elsewhere, if you feel inclined consider making a donation via www.verifiedvoting.org to show your gratitude. There are thirty-some states to go, and the organization is also involved in efforts to pass VVPB legislation at the national level.



We Need Your Support!
We can't do it without you

Please renew your membership or send a donation.

Name: _____

Address: _____

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

Here is my donation of \$_____ for **the Challenge Grant**. (This tax-deductible donation will be matched by a funder and split with OVEC. Donation needs to be received by 7/31/05).

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

THANKS!