



# Capital Eye

Volume 2, Issue 3

January 24, 2003

## **BATTLE OF THE BONDS COMPETES WITH THE BATTLE OF THE BOBS**

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

We live in interesting times. Most of the major legislative issues are rapidly coming to a boil and several WV-CAG-backed bills were introduced this week. If that isn't enough to occupy us, a ruling on our lawsuit against the state's \$200 million bond give away dominated the media. Several months after the initial hearing, Circuit Court Judge King issued a mixed ruling on our suit by agreeing with our position that the approval of the \$70 million Wheeling Mall project was improper. He ruled against us on the issues of violation of the separation of powers and the constitutionality of the state borrowing money to give away to private parties.

The WV-CAG Board has scheduled a special meeting for Monday night to make a decision on a possible appeal to the Supreme Court. Our goal all along was to win this case on its merits, not to use delay tactics to kill the various projects. We asked for a speedy Supreme Court decision five months ago. If the board decides to appeal, we anticipate taking much less than the four months allowed to file our appeal.

In a real dumb and counterproductive series of saber rattling, the pro-Charleston ball park Mayor and the Kanawha County commission are demanding that WV-CAG post a \$25 million bond if we decide to appeal. The bond threat is a deliberate attempt to intimidate us into dropping the appeal. We cannot give into bullies and if indeed we did drop the suit because of the threat it would set a terrible precedent for all nonprofit public interest and environmental groups that challenge the government with court action. Please e-mail me over the weekend if you have any advise to the board. One last thing, does anyone out there have \$25 million we could borrow for a little while? (Stay tuned for next week's Battle of the Bottles!)

# House Introduces Clean Elections Act

The House version of the West Virginia Clean Elections Act was introduced this week. Thanks to Delegates Jon Amores, Mike Caputo, Kevin Craig, John Doyle, Larry Faircloth, Dan Foster and Don Perdue for sponsoring this important legislation. As in the Senate, the bill has been assigned to the Judiciary Committee and will be assigned to the elections sub-committee. Calls to members of the Senate and House elections sub-committees urging them to support Clean Elections would be helpful. The house version is HB 2527 and sub-committee members are Delegates Virginia Mahan, Barbara Fleishauer, John Pino, Robert Schadler, Corey Palumbo, Larry Faircloth and Dave Pethtel. Senate sub-committee members are Mike Oliverio, Jon Hunter, Andy McKenzie, Randy White and Evan Jenkins and the bill number is SB 158. If you need talking points on Clean Elections visit our website, [www.wvcag.org](http://www.wvcag.org), or e-mail [julie@wvcag.org](mailto:julie@wvcag.org).

Citizens for Clean Elections is bringing in a representative from Maine who has participated in Clean Elections to talk with members of the legislators about the success of Clean Elections in his home state. Representative Boyd Marley will be in West Virginia February 2 and 3. Plans are being made for a reception for members of Citizens of Clean Elections organizations and the public to meet and ask questions of Representative Marley. We'll let you know the details in next week's newsletter.

## WV Bottle Bill To Be Introduced

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

Next week we expect to see the **West Virginia Container Recycling and Litter Control Act of 2003** introduced in both the House and Senate! Likely lead sponsors are Senator Brooks McCabe and Delegate John Doyle. Other legislators are interested in co-sponsoring this legislation and we plan on firming that up next week. Working in coalition with Les Shoemaker, lobbyist for the WV Farm Bureau, we have gotten broad support for this legislation. We expect strong opposition from the bottlers on this issue and we will need your calls to your legislators voicing your support! More next week!

# Join Us for Adult Literacy Day

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

The West Virginia Adult Education Association (WVAEA) has contracted with WV-CAG to help their members become more familiar with the legislative process and organize Adult Literacy Day at the Legislature. The day will provide WVAEA members an opportunity 'show-off' what they do and to meet with representatives to discuss the importance of adult literacy and education.

Students participating in adult education programs around the state will also attend to encourage legislators to support legislation that will help lift the financial burden associated with obtaining a GED. HB 2081, sponsored by Delegate Jerry Mezzatesta, would offer students some financial assistance to students by granting a one time \$1,000 income tax credit for persons who receive a GED. WVAEA members and students support this legislation but would ultimately like the legislature to establish a GED test voucher program. A voucher program would help students reach their goals by covering the costs of the GED tests.

Join us Monday, **January 27 at the House side of the upper rotunda from 10 am to 3 pm**. CAG staff will be at the registration table to help you locate your representatives and provide information on adult literacy and education legislation.

# Coal Truck Legislation Introduced

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

Delegate Mike Caputo's bill to provide increased enforcement of coal truck weights was introduced this week. In addition to providing for increased enforcement of weight limits, HB 2493 would increase fines and penalties for violation of weight limits by trucks hauling coal, and hold coal shippers and receivers subject to the same fines and penalties. The bill would place enforcement of all laws of the road under the Public Service Commission. There are many other regulatory provisions in the bill but we have not yet had an opportunity to read it in its entirety. We'll provide you with more details in next week's *Capitol Eye*. HB 2493 is co-sponsored by Delegates A. James Manchin, Tom Coleman, Earnie Kuhn, Don Perdue, Bobbie Hatfield and Bonnie Brown. (More on other truck legislation next week....)

# Tale of Two Rallies: Consumers Put a Human Face on “Tort Reform”

by Gary Zuckett, garyz@wvcag.org

This week at the Capitol, consumers and victims converged to counter the insurance and medical lobby’s disinformation. On Thursday and Friday, both the media and lawmakers were given a much different vision of HB 2122, the medical malpractice or “tort reform” bill, at two separate press events.

On Thursday, Joan Claybrook, President of Public Citizen, detailed the real problem with Medical Malpractice Insurance at both a press conference and before the Senate Judiciary Committee. She cited statistics from various public records to debunk many of the myths the insurance industry is shouting on TV & at the legislature.

Among these were:

\*The number of doctors with licenses to practice medicine in West Virginia has increased over the past five years.

\*Caps on damage awards to victims of malpractice will not lower doctors’ insurance rates. It has never done so in any state that has enacted “tort reform.”

\*The spike in malpractice insurance costs is due to stock market losses by the insurance industry.

\*The only thing that can reduce malpractice insurance rates is reducing malpractice.

\*A small percentage of doctors are responsible for the vast majority of malpractice.

\*These “bad docs” are not held accountable by the medical profession or the insurance industry.

\*Limiting victims’ rights in the court system (blaming the victim) will only decrease deterrence of malpractice and reduce the quality of care.

Friday’s event, with Gene Stilip from the Center for Justice and Democracy ([www.cjd.org](http://www.cjd.org)), focused on victims’ rights with a 15’ tall wheelchair and Michael Davis, president of the WV Brain Injury Founda-



**Malpractice Victim Ann Marie Chaffins Speaks Out Against HB 2122**

tion to emphasize the plight of victims of malpractice and the draconian limits placed on them in the House bill. Mr. Davis lost BOTH his parents to medical malpractice and has been an advocate for victims of medical error ever since.

This fight for the patients' rights over insurance company profits isn't over yet. Contact your senators (at [www.wvcag.org/victimrights](http://www.wvcag.org/victimrights)) and implore them to take a balanced approach to the malpractice crisis that doesn't do double harm to citizens who have been damaged by medical negligence.

## Public Hearing on Children & Families

Opposition is growing against Governor Wise's proposal to move the Governor's Cabinet on Children and Families into DHHR. Now an independent voice for improvements in both the public and private sectors, opponents to the Cabinet's move fear that community support (in the form of millions of dollars of private donations to the Children's Fund and local involvement in county Family Resource Networks, to name a few) would diminish if the Cabinet becomes just another office in the mammoth DHHR bureaucracy.

Both sides will get a chance to air their views at a public hearing in the House Chambers on Monday, January 27<sup>th</sup> at 2PM. WV-CAG feels it the Cabinet on Children and Families can best pursue its mission if it remain an autonomous agency.

## Pick the Bill Not Actually Introduced:

Bill #1 - Changing term polygraph to psychophysiological detection of deception.

Bill #2 - Allowing persons to defend their property with deadly force without being exposed to liability.

Bill #3 - Permitting West Virginia licensed facilities to legally advertise "road kill" items on their menus.

Bill #4 - Clarifying that a person may start a motor vehicle for the purpose of warming the engine and leaving the vehicle unattended for a reasonable amount of time. (**answer on page 7**)

# Welcome!

WV-CAG is thrilled to have two new team members. **Tosha Myers** is our newest intern and is currently enrolled at Herbert Hoover High School and Carver Career Center. She has maintained a 4.0 through the school year, and belongs to the National Vocational Honor Society. She also works part-time at Harding's Family Restaurant. After May's graduation, she will continue her education at Mountain State University and work toward a double major in Forensic Investigation and Criminal Justice. Tosha will be working on many WV-CAG projects.

**Keri Conte** is relatively new to West Virginia and is a Fayetteville resident. From an early age, she has been involved in a full range of political activities. Since 1992, she has been active in democratic political campaigns ranging from ballet initiatives to congressional races. In 1995-96, she served on the Santa Barbara County Central Committee. Following that, she ran the field operations of a congressional campaign in upstate New York. She then moved to DC where she worked for a labor union focusing on international trade as well as developing local and national collective bargaining briefs. In that capacity, she was nominated to the President's International Trade Commission. Currently she is taking time off from the hectic corporate lifestyle working in Fayetteville as a climbing guide. Keri, who has an interest in environmental issues, will be working at WV-CAG on the bottle bill.

Now is a great time to renew your membership or send in a little something extra to help get us through the Session. Remember, it's easy to donate on-line at [www.wvcag.org](http://www.wvcag.org). Or clip and snail mail to 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

I was truly hoping that Eye'd have more dignified news to pass along. I mean, how much mileage can one reporter, no matter how esteemed, get from name-calling of our state's Commander in Chief? But in follow-up to last week's column where I passed along catty comments made about the governor's follically-challenged forehead, here's the latest round of terms of endearment for Mr. Wise. Believe me, I'd rather report on where our governor stands on the issues but in lieu of that, here goes:

**Spongebob** - lovable guy but spends most of his time under water talking to a starfish.

**Bob the Builder** - again, likeable enough guy who looks really busy all the time but we're not sure if he's actually getting anything accomplished.

**Eggo-Bob** - icon of waffle lovers everywhere, or is that those who like to waffle?

**Bobarella** - builder of the Intergalactic Airport.

## Actual overheard conversation:

Anti bottle bill lobbyist: "You sponsor that bill and I'll turn the retailers in your district on you!"

Delegate: "Ah... let's see. That's 30 retailers against and about 500 farmers who want the bill. Hmm... what should I do?"

*(Answer to question on page 5 is Bill #3 - did we fool you??)*

*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!*