



# Capital Eye

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## It's Half Over and the Fat Lady's Singing

by Norm Steenstra, norm@wvcag.org

Here's my assessment on the legislative session at the half-way point:

We agree with Senator Vic Sprouse's opinion that doctors will get about 95% of their dream legislation. By next week the med mal issue will be over and we expect Coal, Chemical, Tobacco, etc. to push for **even more anti-victim "tort reforms."** The business community's stampede for control of the court system continues.

The ATV bill passed the Senate and does really little to change the status quo, except to legalize ATV usage on paved roads. **Kudos to Senator Jon Hunter** for his courageous attempt to try and prohibit ATV usage on hard roads.

**Coal** begins its attempt to strip state environmental laws of most of the improvements seen over the last five years. If the pro-business/pro-industry momentum at the Capitol continues, Coal will succeed with what we have dubbed its **Steamroller Bill**.

Bob Wise, siding with the Republicans, blasted Senate leadership for not giving the docs all they wanted. **Blasting leadership usually has its consequences.** Watch Senate President Earl Ray Tomblin and the governor get into a major battle soon over the governor's tobacco tax increase.

The House continues to refuse to take up the overweight coal truck issue and the never-ending Workers' Comp solution-seekers are farther apart than ever.

On a less pessimistic note, the Bottle Bill and the Clean Elections Bill continue to gain interest and momentum and, at least so far, neither the House nor the Senate has tried to criminalize rock music, lava lamps or trout fishing. Stay tuned. **It will only get more maddening.**

# West Virginia: On the Road to Clean Elections

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

Citizens for Clean Elections is very pleased with the reception our Clean Elections “ambassador,” Rep. Boyd Marley received on his visit to West Virginia. On his brief visit to the Mountain State, Boyd had quite an itinerary. He spoke to a crowd of about thirty people Sunday evening at the University of Charleston about the success of Clean Elections in Maine, where it is now the political norm to run for office free from direct dependence on private contributions. On Monday, Boyd started his day by meeting with House Speaker Bob Kiss. He later addressed the Senate Judiciary Committee and the elections subcommittee of House Judiciary. In between Boyd spoke at a press conference, met with the editor of the *Charleston Gazette* and taped an interview with Beth Vorhees for “Legislature Today.” Links to news coverage and pictures of Boyd’s visit can be found at our website, [www.wvcag.org](http://www.wvcag.org) and the website of the Ohio Valley Environmental Coalition, [www.ohvec.org](http://www.ohvec.org).

We feel good about the treatment the issue of Clean Elections during this legislative session and are optimistic that both elections subcommittees will spend some time working on and discussing the West Virginia Clean Elections Act. Delegate Jon Amores, the lead sponsor in the House has indicated that he would like to see the bill brought before the full Judiciary Committee for discussion. We don’t expect the Clean Elections Act to pass this session but feel that we have made some real progress and hope the issue will be taken up during interims.

*Rep. Boyd Marley and Clean Elections Lobbyist Si Galperin During Monday’s Whirlwind at the Capitol*



# Bottle Bill Moving Along

by Linda Mallet, linda@wvcag.org

We hoped to have more concrete news for you today, but it looks like the West Virginia Container Recycling and Litter Control Act of 2003 (or WV Bottle Bill) won't be introduced until next week. The bill's sponsors in the House are Delegates Doyle, Canterbury, Frich, Webster, Brown, Houston and Poling. Senate sponsors are Senators McCabe, Hunter and Unger. Please call or e-mail these senators and delegates, especially if they represent your district, and thank them for sponsoring this legislation!

No doubt, we'll have more news in next week's *Eye* but in the meantime, please sign the on-line petition at [www.wvcag.org](http://www.wvcag.org), ask your friends to do the same and call your legislators and ask them to support this legislation.

## This Just In....

Eight bills dealing with either abortion or contraceptives were introduced today, just as the "Women's Right To Know" bill passed the Senate. Watch for this debate to continue to heat up right up until the session's waning days.

## A Reader Calls in...

On Wednesday we received a call from a member who pointed out something that has not been brought up in the ATV debate. The legislature is getting ready to give these vehicles access to all paved roads in West Virginia that don't have a yellow center line, yet there is nothing in this legislation or in existing law that requires ATV owners and riders to carry insurance. If an ATV hits your vehicle, you would have to pay for repairs out of your pocket or watch your insurance rates go up should you decide to file a claim.

Thanks for your insights, Tim! We enjoy hearing from our readers and welcome your suggestions and comments.

### ***And ATV Drivers Thought They Had It Bad.....***

*Any motorist driving along a country road at night must stop every mile and send up a rocket signal, wait 10 minutes for the road to be cleared of livestock, and continue. -- actual Pennsylvania law*

# “Tort Reform” Goes to Senate Floor

by Gary Zuckett, garyz@wvcag.org

House Bill 2122, the Medical Malpractice & Welfare for Insurance and Doctors Act, was improved by the Senate Judiciary and Finance committees and now is under consideration by the whole body. “Improved” is a relative term. One observer commented the bill had gone from “Gawd awful to just plain awful.”

Last week Judiciary raised caps on wrongful death and loss of limb to \$500,000, eliminated the periodic (future) payments of damages, linked funding of the Patient Injury Compensation Fund before the elimination of joint liability, and sunsets (phases-out) all caps if Docs fail to start their own insurance company. Draconian limits on liability that will enrich insurance industries and further hurt victims of malpractice remain in the bill.

This week, Senate Finance members removed windfall tax breaks for Docs and assessed them, hospitals and insurance one-time fees around \$10 million to help fund the medical mutual insurance program. Supporters of welfare doctors are vowing to reinsert the lost tax giveaways through floor amendments on Friday.

The governor is even calling on us to feel sorry for Docs (who average 600% over median income in the state) and call our Senators to have a tax break put back in that could eliminate personal WV income taxes for many physicians. Maybe the governor needs a lesson in economics? He certainly needs some new advisors.

In its most final form, this bill will NOT: lower doctors' liability insurance, improve patient safety or medical outcomes or reduce the occurrence of medical malpractice!

**Last minute update:** The Senate knuckled-under to pressure by the Medical Association today to reinstate a \$7.5 million tax break for docs to be deducted from their provider tax payments, an amount that represents an additional 10% of their individual malpractice premiums and 5% of their “tail” insurance costs. Then they suspended the rules and passed the bill out of the Senate and sent it back to the House. Next week, the House must decide whether or not it agrees with the Senate version. If not, a conference committee made up of member of both houses will work out the differences between the two versions. If the House concurs, then the bill has passed the legislature and goes on to the governor for his signature.

Stay tuned next week for the final chapter in the fight to decrease your rights to access and remedies in the courts if injured by the medical profession.

Stay further tuned, because new bills have been introduced to provide “tort reform” relief to all negligent industries and businesses

when they sell you defective products, poison your water, run over you with overweight coal trucks, or otherwise run amok. More on this next week....

## **Tell Your Legislators: “No Weight Increase! Stop Overloaded Coal Trucks!”**

Under the gold dome, there is no indication that the legislature plans to take up Delegate Caputo's bill or any other legislation that would better regulate trucks hauling coal. However, rumors are circling that the industry still has plans to try to increase legal weight limits for coal trucks to 120,000 pounds. This could be “sneaked” into any number of bills.

Please contact your legislators next week and tell them to vote against any legislation that would increase weight limits above the current maximum limit of 80,000 pounds. You can call your legislators toll free at 1-877-565-3447. You can e-mail all your legislators in one click by going to [www.wvcag.org](http://www.wvcag.org) and entering your zip code or click on the link to the UMWA website.

# Announcements/Events

## Contact Your Legislators:

To e-mail your legislators or the governor, simply go to [www.wvcag.org](http://www.wvcag.org), scroll down on the left side of the home page and follow the steps. It's simple! Or you can call your legislators and the governor toll-free at 1-888-438-2731 or 1-877-565-3447.

Come to the Capitol on Tuesday, **February 25** for the West Virginia Environmental Council's annual **E-Day!** event. There will be displays from environmental organizations from across the state. Please take this opportunity to come to the Capitol to talk to your legislators about what's important to you!

**Coal Bucket Outlaw, February 27**, 7PM, John W. Eye Conference Center, Mountain State University, Beckley. Free. Discussion to follow. This film details how the Kentucky coal industry fares under a 120,000 lb. weight limit (strangely enough, it sounds a lot like the story in West Virginia).

**Stay In Touch** - we post action alerts and announcements during the week on our website. Please check it out at [www.wvcag.org](http://www.wvcag.org). Also, if you aren't on our e-mail action alert list and want to be, send an e-mail to [linda@wvcag.org](mailto:linda@wvcag.org) to get added on!

***Many thanks to Don Alexander, our website guru, for posting Capital Eye to the website on Friday evenings and updating the website throughout the week.***

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*

Many of you have written or e-mailed me to ask, "Hey, Phanny! What's with all the bald jokes?" I listen to my readers and try to take the criticism constructively. But what really jolted me out of my baldness obsession was a conversation I had this week with someone many would call the Anti-Bald, Coal Association lobbyist Chris Hamilton. This week Chris was in an even more jovial mood than normal (things must be going well for him this session). He even stopped me to talk about his statue, the one "honoring" the coal industry, that remains unveiled near the Cultural Center. **His** statue? Did I hear him right? Well, I guess he speaketh the truth. He commandeered it, why not take credit for it? It just made me wonder what lies beneath that tarp cloak (the statue remains undercover awaiting its dedication ceremony). What will the figure look like? Will it in some way honor the man who has made it possible? We wonder about this male pattern greed and what avenues it will take next (not to be sexist - I mean, you inherit it from your mom, right?)

One astute reader called in to ask, "Hey, Phanny! If Chris Hamilton stood next to a speeding coal truck, would his hair move?" I don't have an answer for that but I do have a suggestion that would truly honor Coal Chris' Coiffure. How about naming a piece of the Ozone's hole in memory of all the hair spray used to keep his 'do in place? He could own his own piece of the Antarctic sky! Maybe a guy of his statue, I mean his stature, would finally get the recognition he deserves.

**Remember, issues of *Capital Eye* are always available on our website at [www.wvcag.org](http://www.wvcag.org). You can join WV-CAG or renew your membership there, too!**

*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!*