



Capital Eye

Volume 2, Issue 8

February 28, 2003

The End is Nigh - Sigh!

by Norm Steenstra, norm@wvcag.org

Although much is yet to happen in next week's legislative session finale, some things are pretty much resolved. It looks like increased taxes on pop and cigarettes will become a reality. The lemming-like evacuation of doctors from the state has been stopped and workers' comp, though fixed, is unfixed. Oh - and now there's a hunting season for crows!

Coal trucks will dominate the last week of the session. Any chance of beating back a weight increase will hinge on people motivated to scream with outrage. Coal has more slick ads and slicker lobby tactics than opponents of overweight trucks do but we have the people behind us on this one.

Watch for several issues not on anyone's (outside of Speaker Kiss and President Tomblin's) radar to appear at the last minute. After all, that's how we get fiascoes such as the \$200 million bond give-away of last year. If Mr. Rogers had ever witnessed the last week of the West Virginia Legislative Session, we doubt he would have been such an upbeat guy on TV.

Give me a moment to tell you what a great job WV-CAG staff did this year. They made me proud to be associated with them. Let me very briefly understate their work. Linda Mallet managed to keep the office up and running as well as be a full-time lobbyist who was responsible for remarkable progress on the Bottle Bill. Rookie Keri Conte made Linda's good work possible by assisting her lobbying efforts. Julie Archer blossomed this year into an extremely competent and effective lobbyist. Her efforts on coal trucks and election reform combined intelligence, hard work and a winning smile. She's so damn likeable, even the bad guys like her. Steady Gary Zuckett once again was the anchor to the lobby team providing insight, experience and an incredible work ethic on all of the issues.

Thanks, folks. You done us proud.

Pond Scum and Lesser Life Forms

by Norm Steenstra, norm@wvcag.org

Since House Speaker Chuck Chambers left the House of Delegates seven years ago, there's been remarkable change in the Legislature. Bully tactics, disregard of process, deceit, and a general contempt for citizen input are now the norm. This aura is not limited to the House, as the exclusive group called the Senate actually makes the House look progressive.

In 2003, the Legislature has sunk to a shocking level of disgusting behavior. It is so ugly it drives good people, both legislators and lobbyists, away from the process. I'm beginning to think that decent people are best served by staying away from the West Virginia Legislature. This year the Legislature is attempting to expand its terms in office, give the medical and insurance lobby more than they asked for, and pass a meaningless ATV bill that many say is worse than no bill at all. They have figured out a way to drastically reduce their own health insurance premiums at the expense of the PEIA program and, this week, the Senate attempted to raise the legal political contribution limit from \$1,000 to \$4,000. WV-CAG lobbyist Gary Zuckett muttered, "It won't help anybody but the whores." Gary's right. Let's not forget that they've created new Circuit Court judges so their own members can be appointed and, of course, there was the Gag Cag maneuver. There's one week left in the session and worse will likely occur, but, hey, the Senate was at least brave enough to pass a penny-a-ton on coal trucks.

P.S. There are some senators I'd really like to recognize for amazing accomplishment. In my 14 years of watching them in action I cannot recall that Senators Bill Sharpe (D-Lewis), Mike Ross (D-Randolph), Truman Chafin (D-Mingo), Frank Deem (R-Wood) or Walt Helmick (D-Pocahontas) have ever done one decent thing for the average West Virginian. Their entire careers have been motivated by self interest or shady special interests. Congratulations, guys! You deserve some sort of prize!

THIS JUST IN:

Look for television ads paid for by Families of Victims of Overweight Coal Trucks and sponsored by the UMWA. These ads should begin running on Monday and will be a much-needed, reality-based response to Coal's slick message currently on the airwaves.

Mother Jones, Maps and Moxie

The 14th Annual E-Day!, the West Virginia Environmental Council's Day to shine at the state Capitol, was a chance for WV-CAG staff to commiserate with kindred souls and make new friends. CAGers Julie Archer, Keri Conte and Linda Mallet (shown in this photo by OVEC's Viv Stockman) staffed our E-Day table. Julie is standing next to a map that has a dot for overweight coal truck violations. Very few blank spots exist on these roads and on other stretches of the proposed "Extended Weight Coal Haul Road System" (SB 583). Visitors to our table included the WV Coal Association's own Chris Hamilton who took issue with Julie's map. He did assist us, though, with getting folks to sign our Bottle Bill petition after declining to sign it himself. "See," he said, "I'm a closet environmentalist."



Later we celebrated each other at the E-Day fundraiser with good music and award presentations. WVEC bestowed its highest honor, its Mother Jones award, on WV-CAG Executive Director Norm Steenstra. Norm founded the WVEC 14 years ago and, at the time, was the state's only advocate paid to f\$*% bad guys (as Norm would say). A huge part of his strategy continues to be to insure that the word gets out to grassroots folks on a weekly basis. WV-CAG staff congratulates Norm for this well-deserved recognition from the progressive community he helped organize into what it's become today.

Our Readers Say:

"I see by the TV that the coal miners up Pole Cat Holler are in favor of the raising of the legal weight limit for coal trucks to 120, 000 lbs. I also heard that truck drivers have special training. Well I would hope so. I know that I could not drive a truck that holds more coal than a railroad coal car. In fact I would not drive any truck larger than a pickup truck."

Stop the March Madness

by Julie Archer, julie@wvcag.org

The coal industry is trying once again to have its illegal activities decriminalized with SB 583. This legislation is all about increasing the weight limits for coal trucks without regard for public safety and at the expense of West Virginia taxpayers.

Your calls and e-mails are needed now more than ever. This bill is moving so fast it's hard to know what's in it and what isn't. Early versions established an "extended weight coal haul road system" in twelve southern counties (Boone, Fayette, Lincoln, Logan, McDowell, Mercer, Mingo, Raleigh, Summers, Wayne and Wyoming). On Wednesday the bill was amended to include four more counties (Clay, Greenbrier, Nicholas and Webster). You aren't safe just because you don't live in the southern coalfields.

On Wednesday, Senate Finance also amended the bill with a penny a ton tax on coal hauled on designated roads. This tax is in lieu of posting bond and is supposed to help cover the cost of damages to roads. The funding mechanisms in SB 583 are a joke. Even if the 1-cent per ton tax is applied to total coal production, the revenue generated would be less than \$2 million per year. Using the generous figure of \$1.75 million per year from the 1-cent tax combined with the \$3.6 million generated from the \$500 annual permit fee it would take 523 years to come up with the minimum \$2.8 billion the DOH has said it will cost to upgrade and repair roads.

Senator Hunter offered three amendments to strengthen the bill, including raising the 1-cent tax up to \$1. All of Senator Hunter's amendments were defeated as was an amendment by Senator White to raise the tax to 25 cents. At press time the Senate was still in session so we can't tell you if it passed today. Check our web page over the weekend to see how your Senator voted.

Make calls and send e-mails early and often. Calls and e-mails to **anybody at all** in the legislature and governor's office are worth making. We must stop this bill in the House, so if you can only make one call, call your Delegate. It's hard to predict which committee it's going to, but Judiciary seems to be a likely choice. Obviously, stopping it in committee would save a tough floor fight. Committee members are Amores, Kominar, Faircloth, Caputo, Brown, Webster, Mahan, Rick Thompson, Fleischauer, Craig, DeLong, Ellem, Foster, Hrutkay, Morgan, Palumbo, Pethtel, Pino,

Stemple, Armstead, Calvert, Overington, Shadler, Smirl, and Webb. **These are the most important calls you can make. If any of these are your delegates, call them, and ask other to as well.**

Call or write Governor Wise. He had serious problems with early versions of the bill, and we think he threatened to veto the really horrible first version; but amendments have addressed his concerns and he's back on the coal bandwagon. You can leave him a message by calling 1-888-438-2731 or 558-2000. He needs to know that a weight increase is unacceptable, even with these safety and enforcement provisions.

To e-mail the Governor and your Senate and House members, log on to www.umwa.org. Then scroll down and click on the action link. Next, click on the county in which you reside. The letter is already written for you. All you need to do is type in your name and address and click send. You can also e-mail all your representatives in one click by going to www.wvcag.org and entering your zip code in the space provided.

Make your voice heard! **Come to the Capitol on Tuesday, March 4 at noon in the lower rotunda for a rally against raising the coal truck weight limits. This may be your last chance to let legislators know how you feel about this issue. Help stop the March madness!**

Bottle Bill Battle - Round One

by Linda Mallet, linda@wvcag.org

SB 552 and HB 2926, the West Virginia Bottle Bill, did not make it onto committee agendas this week which means they are dead for this session. This sounds like bad news but, in reality, we made it farther this session than we had planned! This session is just Round One of what, undoubtedly, will be a long-term legislative battle.

We are pleased with the progress made this session - getting the bill introduced in both the House and Senate - and we have agreements from at least two committee chairs to study the bottle bill during the interims. That gives us time to get more petitions and more resolutions of support from communities across the state!

Please make at least one more call this session to House Judiciary Chair Jon Amores and House Finance Chair Harold Michael and encourage them to insure the West Virginia bottle bill gets serious consideration during the upcoming interims.

Couldn't Do It Without You!

It's hard to believe this is the last *Capital Eye* of the 2003 Legislative Session. We hope you've gotten a few laughs but mainly that you've been prodded to call your legislators on the plethora of bills on which we've tried to keep you updated.

We knew going in that this session was going to be a tough one, but many things have made it WAY easier for us here at WV-CAG: support from our readers and members, camaraderie from our fellow progressive lobbyists, and tireless assistance from our volunteers who took the time to come here and help, even though they have real jobs and lives.

You helped us get the word out, literally, by folding, copying and sorting this newsletter. So indulge us as we take some space here to list those special folks: Winter Ross, Susan Hayden, Greg Carroll, Conni McMorris, Josh Mallet, Warren Moore, Mike Harman, Lincoln County Jim, Jill Oxley, Toshia Myers, and Jan White.

Special thanks to Website Guru, Don Alexander. Don has flawlessly insured that the *Capital Eye* was posted to our website each and every Friday evening during the session and has made our website flow. And he does it all at a rate that WV-CAG can afford so you can imagine that he's doing it for more than the money.

Thank You!

Thank You!

Thank You!

"We've got to pause and ask ourselves: How much clean air do we need?" —Lee Iacocca

The last week is the toughest. Please renew your membership or send in a little something extra to help get us through. Remember, it's easy to donate on-line at 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

Sometimes as I sit in the Capitol cafeteria, waiting for the next committee meeting, I get a touch bored. Sometimes, as a lobbyist or legislator walks by the window, I close one eye, hold my fork up against my other eye and picture what that person would look like behind bars. Sometimes I thumb through my copy of the Directory of Registered Lobbyists. It's amazing what you can find in there. Apparently, the WV Ethics Commission, when it prints the interests represented by lobbyists, goes with whatever those lobbyists put on their application.

For instance, the WV Coal Association's Chris Hamilton and Bill Raney lobby for "Business, Coal, and Environment." WV-CAG's Julie Archer lobbies for "Coal, Coal Truck Legislation, and Environment" (among others). I've noticed she spends a lot of time in the marbled halls with Mr. Raney and Mr. Hamilton and they often are at the same meetings. Could there be some sort of collaboration going on here? It sounds like it according to the WV Ethics book.

I seriously doubt it. More likely the Ethics Commission should add a new line to its handy reference guide: Fer or Agin.

CONTACT YOUR LEGISLATORS:

There's still time to make a difference with legislation still alive in this final week of the Session. Legislators need to hear from you! They hear from industry lobbyists every day and night!

E-mail: Use www.wvcag.org and walk through the steps to easily e-mail your legislators and Governor Wise.

Call: Legislators toll-free at 1-877-565-3447 and Governor Wise at 1-888-438-2731.

West Virginia Citizen Action Group (WV-CAG) publishes Capital Eye during the Legislative Session. You can visit our website at www.wvcag.org, call us at 304-346-5891 or e-mail us at 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!

THE GAG CAG BILL

Perhaps the biggest compliment an organization can receive is when the legislature passes a bill intended to specifically punish it. Are we talking the Coal Association here? The gambling lobby? Nope! It's just the West Virginia Citizen Action Group!

The House Finance Committee this week generated, then quickly passed, a bill (without us knowing it existed and without a public hearing) now called the "GAG CAG" bill. It's a simple bill, really, that states anyone challenging so-called "economic development" projects must post a bond in the amount of the project.

If this bill had been law a year ago WV-CAG would have had to post a \$215 million bond (\$21.5 million in cash) in order for a judge to agree with us that the Wheeling Mall project was illegal. The Supreme Court last week felt our bond case appeal had so much merit it voted 5-0 to hear our arguments.

GAG CAG protects a new round of projects from pesky do-gooders, such as a \$13 million racetrack in Braxton County, a \$3 million convention center in Hardy County (in the district of the Chairs of the Senate and House Finance Committees) and a \$5.6 million parking garage in Speaker Bob Kiss' district. This bill isn't just about us. It's about any person or group that would legally challenge the wisdom of giving away public money to projects and private companies that, in reality, only the House Speaker and the Senate President deem worthy.

Special Thanks!

This newsletter would not be possible each week without the help we've received from the staff at Knight Phillips Associates.

Josh Wiseman, Alan Bailey and Laura Phillips have donated their time, supplies and sanity to us each week and because of them, we've been able to use our bulk mailing permit, save money on postage and still get you the *Eye* in First Class mail. They have saved us money and labor and, in return, we've jammed their copiers and gummed up their folding machines!

Thanks to all three of you for calmly handling our stressed-out Friday newsletter ritual!

Coal Truck Rally At the Capitol

**Tuesday, March 4 at Noon
Outside the Governor's Office**

**Come and Rally Against SB 583, the
Legislature's Bill to Increase the Legal
Weight Limit on Coal Trucks**

For more information, call at 304-346-5891

**Come Support WV-CAG
WV Supreme Court
Tuesday, March 11
2:00 PM.....**

**when we expect the Supreme Court to
hear our appeal on our Economic
Development lawsuit. Call for more info!**

“Tort Reform” Goes National

by Gary Zuckett, garyz@wvcag.org

Not satisfied with its pace of knocking off civil justice state-by-state, Big Insurance is mounting a frontal assault on our rights in the courts through H.R.5, now in Congress. The best way to describe H.R.5 is “tort reform” on steroids. It includes the whole “wish list” of the insurance industry to maximize profits, and hamstringing juries and the whole legal system. Contact your representatives in Washington and tell them to vote no on H.R.5!

Meanwhile, the state legislature has slowed down its pace on the additional “tort reform” bills I’ve mentioned in the past several weeks. HB 3033 – Medical Monitoring, HB 2809 – Third Party Bad Faith, and HB 2872 - Eliminating Joint Liability are all still in the House Judiciary Committee.

March 1st is the “last day to consider (a) bill on third reading in House of origin” which means any bill originated in but not passed out of the House or Senate is technically dead. I say “technically” because strange things happen the last week of the session. Committees can mysteriously originate bills or amend “dead” bills into live ones when no one is watching. Watch for daily updates next week on such phoenix legislation.

The joint Conference Committee on the big Med Mal “tort reform” Bill will be finishing its work early next week and will come out with a final version of that legislation (HB2021) that does nothing to improve medical malpractice or lower doctors insurance rates but does give doctors \$10 million in tax breaks and up to \$30 million to set up their own insurance company. Meanwhile all the draconian limits on juries from the Senate version remain.

One new bill of concern is HB 3119, on insurance fraud. Nobody likes insurance fraud, but this bill’s design allows insurers an undue advantage in negotiations over claims. Originating in the House Health & Human Services Committee, it’s on a greased track and may be passed out of the House today or Monday.