



# Capital Eye

Volume 2, Issue 11  
October 2003

## Politics! Politics! 2004 To Be a Lulu

Next year's elections could be a turning point in state politics. We'll elect half the state Senate, all of the House, a Supreme Court Justice, a new governor and all statewide constitutional offices. All this and a potential Federal regime change. For the governor's race, the two announced Democratic candidates, Lloyd Jackson and Joe Manchin, are best described as awful and "awfuler" in respect to WV-CAG issues. The Republican candidates are probably worse.

From our standpoint, the two most important state races are Supreme Court Justice Warren McGraw's reelection bid and the possible selection of the new Speaker of the House. Currently the Court has a 3-2 majority on most progressive and consumer issues. A McGraw loss, coupled with a pro-big business governor and legislature, would all but end checks and balances in the state. Speaker Kiss has, for the last 8 years, presided over an increasingly anti-consumer, anti-environment House. He says he will not run against Judge McGraw in the primary but many Kiss watchers expect him to switch parties and run against McGraw in November, when he stands a much better shot at winning.

Kiss' successor would be selected by a majority of the majority party's members. The election of even a few new progressive House members could result in the election of a moderate or even progressive Speaker. Your individual House races are far more important than they have been in years. Remember! The Speaker appoints committee members and decides which bills will be considered, and therefore sets the agenda.

There is a lot at stake. Seek out like-minded local folks and urge them to run for office. Denying George W. Bush West Virginia's 5 electoral votes, changing the direction of the legislature and preserving balance on the Court should be motivation for all of us to get involved in 2004. I'd love to discuss how you can maximize your efforts to reverse the anti-consumer trends of the political scene as we know it. Contact me at 356-5891 or [norm@wvcag.org](mailto:norm@wvcag.org).

# Legislative Session 3 Months Away!

## WV-CAG Sets Priorities

Combine a state government facing major budget cuts, a lame waterfowl governor and an election year, and it's anybody's guess as to what happens at the annual legislative session. That is why we are getting geared up for the donnybrook likely to come.

First and foremost the WV-CAG lobby team will watch how the proposed budget cuts affect the average consumer. You can bet on cuts to social services, parks, education and environmental protection. You can also safely bet that powerful special interest groups will lobby to continue to shift the fiscal burden to anybody but themselves. Listed below are some of the issues we'll be working on. Please let us know what other issues concern you.

### ***CLEAN ELECTIONS***

This will be a continuation of last year's efforts to provide for an alternate campaign finance system for candidates who are willing to forego special interest donations. This "clean money " alternative has been very successful in Maine and Arizona (see page 9). Contact Julie Archer for more information.

### ***WEST VIRGINIA CONTAINER LAW (AKA Bottle Bill)***

Hey! We got a plan to raise \$25 million from slobs who pay a ten-cent deposit on a container and then throw it on the roadside. What a concept! Raise money without raising taxes, clean up the litter problem and save natural resources and energy by improving recycling. This idea is picking up momentum. Help us get it passed (see page 5). Call Linda Mallet for more information.

### ***CONSUMER ADVOCATE OFFICE FOR INSURANCE***

Last year we witnessed how insurance companies held the state hostage over medical malpractice. This year watch how your homeowners' and auto insurance rates sky rocket. This bill would create a strong consumer advocate office to address your insurance horror stories and speak out against anticipated rate increases and restrictions. Call Gary Zuckett for more information.

### ***ENVIRONMENT***

We will be working with the West Virginia Environmental Council on a variety of issues including water quality and water rights ownership. WV-CAG will also work to oppose any privatization of State Parks and Forests.

**EDUCATION & ECONOMIC DEVELOPMENT**

We expect to have two “no brainer” bills that should be part of any state economic development policy. One bill would provide for increased funding to the Adult Literacy programs like the GED through the purchase of EDUCATION license plates similar to the non-game and NASCAR plates. This bill would create a totally voluntary fund-raising program that requires no tax money. The second bill would give West Virginia businesses a 5% price preference over out-of-state firms in selling products and services to the state. The current price preference is 2.5%.

**WE NEED YOUR INPUT**

This is a partial list of legislative priorities; we really need for our members to suggest other issues important to West Virginia consumers. Please give us a call at 346-5891.

**We need your help! Your WV-CAG membership helps us work on all of these programs. Please send in what you can.....**

Now is a great time to renew your membership or send in a donation to help us gear up for the Session. Please clip and mail to WV-CAG, 1500 Dixie St., Charleston, WV 25311:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Here's my donation of \_\_\_\$25 \_\_\_\$50 \_\_\_\$100 \_\_\_\$250  
\_\_\_\_\_Other\$\_\_\_\_\_

Send me action alerts at my e-mail: \_\_\_\_\_

# Med Mal: Are We Better Off Now?

by Gary Zuckett, [garyz@wvcag.org](mailto:garyz@wvcag.org)

Webster's defines reform as "to put or form into an improved form or condition." Has West Virginia's medical malpractice bill done that? Do doctors now have lower insurance premiums? What about consumers? Were measures included to protect us from bad doctors and reduce medical errors since the best way to reduce litigation is to reduce malpractice? No to all. It's time for genuine insurance industry reform and to hold the few bad doctors responsible for the lion's share of malpractice cases accountable.

California's 1975 malpractice (MICRA) plan, which WV copied, was a failure for 13 years. Insurance premiums rose 475% and California's insurance industry handsomely profited from the law, paying out less than 50 cents of every dollar. All the while, doctors were still paying higher premiums and malpractice victims were injured yet again by the settlement cap.

Then, in 1988, California voters passed Proposition 103, putting in place some of the most significant insurance industry reforms in the country. It required the insurance industry to open its books to justify rate increases, provided for public comment on all proposed increases and allowed the state's insurance commissioner to make the final decision.

In the three years after Proposition 103 passed, premiums declined 20 percent and insurance companies were forced to refund more than \$135 million to policyholders. Even better, these reforms benefitted all consumers by helping to control automotive and homeowners' insurance costs.

If West Virginia embraces the California plan, we need all of it, not just the part that increases insurance company profits while doing nothing to help our doctors and patients. More importantly, we urgently need to provide patient protection. According to the U.S. Institute of Medicine, each year 98,000 Americans are killed and more than one million are injured by hospital errors.

West Virginians are very fortunate to have so many excellent hard-working doctors. **We** need to ensure they stay in West Virginia. However, it's time to take the onus for fixing the malpractice insurance problem off the backs of innocent victims and place it where it belongs—on the insurance industry. Let's move forward and put needed insurance reforms and patient protections in place now!

# Spin the Bottle Bill

by Linda Mallet, linda@wvcag.org

Yup, that's what we're doing, whenever we can, wherever we can. Our latest efforts have taken us to Parkersburg which we hope will be the next city to pass a resolution supporting a West Virginia Bottle Bill. The vote takes place on October 14. Parkersburg would join Charleston, Huntington, Morgantown, St. Albans, South Charleston, Addison, Harrison County and Fayette County. Resolution efforts are budding in Fairmont, Clarksburg and Lewisburg.

We are building momentum as we head into the 2004 Legislative Session. Petition signatures are in the thousands. We've got an even better bill to work on with legislators. Plus we've got some fun ideas on how to promote the Bottle Bill during the Session.

To find out more and to sign the on-line petition, please visit [www.wvcag.org](http://www.wvcag.org). And, as always, give me a call if you want to know more!

## Did You Know?

√ The 10 existing bottle bill states recycle more containers than the other 40 states combined.

√ No state bottle bill has ever been repealed.

√ The bottle bill concept was created by the beverage industry in the 1940's, the same industry that now spends millions to repeal existing bottle bills and fight new ones.

√ Huge sums of money have been spent to defeat ballot initiatives over the past 20 years, with industry opponents outspending proponents by as much as 30:1.

√ Members of a U.S. Senate Committee who voted against the National Bottle Bill in 1992 received an average of 75 times more in anti-bottle bill PAC money than those who voted in favor of the bill.

√ Bottle bills are responsible for diverting anywhere from 5 to 15% of the total waste diverted annually in bottle bill states.

√ There is no cure-all for litter reduction but 10-cent deposit creates an incentive to recycle and shifts the costs from government and taxpayers to producers and consumers.

*Don't be afraid to go out on a limb. That's where the fruit is.*

*H. Jackson Browne*

# PERC Releases 4th Comprehensive Report on WV Election Financing

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

The People's Election Reform Coalition (PERC) is proud to release its fourth comprehensive report on West Virginia campaign financing, prepared by WV-CAG and its research partner, Mountain State Education and Research Foundation. With PERC's analysis of 2002 campaign giving complete, comparison of four consecutive election cycles is possible. The report focuses primarily on legislative races. Here are a few highlights:

- The 2002 election cycle was the most expensive in state history. Legislative candidates raised over \$6 million dollars during the election.

- Over \$4 million in contributions went to candidates who won. Contributions to winning legislative candidates have increased 60% since PERC began tracking campaign donations in 1996.

- House Speaker Bob Kiss and Former Finance Committee Chairman Oshel Craigo were the most successful fundraisers of all House and Senate candidates respectively. Kiss raised over \$72,000 and rolled over an additional \$110,000 from previous campaigns. Craigo raised the most ever for a legislative candidate, \$408,587, exceeding his previous record by over \$80,000.

- Contributions to candidates from themselves and their family members continue to be the largest source of funding for winning campaigns, accounting for 20% of all identified contributions to members of the legislature. Senator Lisa Smith led the pack of self-financed candidates, loaning her campaign \$258,000.

- Contributions from health care providers were the biggest source of special interest funding for members of the legislature. Doctors, hospitals and other health care professionals poured over \$475,650 into legislative coffers, more than twice the amount they contributed in 2000.

PERC's analysis highlights the need for campaign finance reform in West Virginia, and makes recommendations as to how best to reduce the influence of money in our democratic process.

**For a copy of PERC's 2002 Executive Summary, give us a call at 346-5891.**

# Through the Eyes of a Student

by Stephen Badoo, sanbadoo@yahoo.com

There is much to be learned when one studies outside their country of birth, a situation I find myself in coming over from Ghana (West Africa) for my university education. Truly each mistake is a lesson and each success a closer step towards one's goal achievement. My personal aim is to do what I love and to do it to the best of my ability no matter what. A natural realist and my own best critic, I can say "Vini, Vidi and so far Vici"- I came, I saw and so far I have conquered.

I am 21 years of age with a pretty strong sense of responsibility being the first born son and child of my parents. With regard to a future profession, my intent is to become a Chartered Public Accountant and Financial Analyst. Basically, I enjoy the world of business and like the challenge issues within it bring. For me, any financial item correctly dealt with is proof that I am developing and leaves me with a hunger for more, a possible reason for the type of work I want to do.

One of the major reasons for which I preferred a US Financial education is because of the possibility for one to grow and to bring into existence out of almost nothing. In other words, Entrepreneurship, the cornerstone of American Economics, is of great importance to me. Also, the extreme challenges that US Economics possess make for a satisfying learning and operating environment.

As a student going through the Service-Learning Project/Internship with WV-CAG, this is a perfect opportunity to break into Organizational Behavior in Business. The experience will be mainly informative but especially diverse. Many theories such as teamwork and Theory Y management are visible and impressed practically in my mind. It has also begun to really dawn on me some of the Ethical and Societal issues that arise from all other forms of business. Again, so far so good, and my collaboration has provided an adequate three-dimensional view of organizational operations. I look forward to more lessons and the opportunity to develop better socially responsible values even while operating in either form of business.

**Ed. Note:** Stephen is currently studying at the University of Charleston and will be interning with us until December.

# Down the Road to Clean Elections

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

If slow and steady wins the race, then some day soon candidates for the state legislature and governor will have the option of running for office free from direct dependence on private campaign contributions. The WV Clean Elections Act would establish an optional parallel track of public financing for candidates who agree to limit their spending and reject all private donations. This initiative has made tremendous progress since it was introduced during the 2002 legislative session. In 2003, this comprehensive approach to campaign finance reform had bipartisan sponsorship in both houses and an interim committee is currently studying the bill.

**At the August interims Subcommittee B of the Joint Judiciary Committee took up the WV Clean Elections Act and heard a presentation by Clean Elections “ambassador” Cecilia Martinez - who works for Senator John McCain as Executive Director of the Reform Institute for Campaign and Election Issues in Alexandria, VA.** As Director of the Clean Elections Institute, Ms. Martinez advocated for implementation of Arizona’s unique Clean Elections law, which serves as a model for WV’s bill.

Citizens for Clean Elections arranged Ms. Martinez’s visit and hosted a reception in Charleston where Ms. Martinez presented a special video taped message to West Virginians from Senator McCain. Ms. Martinez was also the featured speaker at Citizens for Clean Elections’ first “Democracy Rescue Forum” in Huntington.

Citizens for Clean Elections plans more “Democracy Rescue Forums” in the months ahead and is working with Ms. Martinez to arrange a visit from Senator McCain. The coalition will also continue to closely monitor legislative action on the Clean Elections Act.

Secretary of State Joe Manchin, a Clean Elections supporter, arranged for Maine’s Secretary of State, Dan Gwadosky, to talk to the interim committee in October about the success of Clean Elections in his home state.

“One of the best ways to get yourself a reputation as a dangerous citizen these days is to go about repeating the very phrases which our founding fathers used in the great struggle for Independence.”

**Charles A. Beard**



# State Designates Coal Haul Roads and Prepares to Issue Permits

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

As we go to press, the Division of Highways (DOH) and the Public Service Commission (PSC) are holding a joint press conference to release the final list of roads to be included in the Coal Resource Transportation System (CRTS) and out enforcement plans. The CRTS was created earlier this year when the legislature passed SB 583, increasing, and in most cases, nearly doubling the legal weight limit for coal trucks on roads in the system. Trucks issued extended weight permits by the PSC will be able to legally haul 120,000 pounds on more than 1,700 miles of road in 15 southern counties.

The law took effect October 1, but according to recent news coverage, full implementation and enforcement will be delayed for several weeks while DOH works to post the CRTS and inform the coal industry and the public about which roads and bridges are included in the system. The PSC is ready to start issuing the extended weight permits once the CRTS has been designated.

## Part-Time Legislative Aide Wanted

WV-CAG will be hiring a part-time lobbyist for the 2004 Legislative Session to work on Adult Literacy issues. Familiarity with GED programs is a plus. A GED graduate is preferred. No political experience is required but a candidate who lives in the Kanawha Valley is preferred. For more information, call Norm at 346-5891 or e-mail [norm@wvcag.org](mailto:norm@wvcag.org).



*Got a friend who might be interested in this newsletter? This issue and all back issues of Capital Eye are available at [www.wvcag.org](http://www.wvcag.org).*

No snowflake in an avalanche ever feels responsible. —

Stanislaw Jerzy Lec

# Touch-Screen Voting on Hold

by Gary Zuckett, [garyz@wvcag.org](mailto:garyz@wvcag.org)

Secretary of State Joe Manchin announced in August that his office will slow down and take another look at the controversial paperless computer voting machines in line for a large chunk of the \$20 million in federal funds West Virginia will receive through the Help America Vote Act (HAVA).

What finally changed his mind was the revelation by John Hopkins University computer scientists that hackers could exploit flaws in the software and change election returns.

Citing computer experts from Stanford, WV-CAG brought this potential flaw to the attention of the WV HAVA advisory committee last spring. A protection against this type of “invisible” vote tampering is to require all computer-based voting equipment to print out a voter-verifiable paper copy, collected like a paper ballot and used for audits if any question on the integrity of the computer count arises.

Secretary Manchin announced at the August legislative reception of Citizens for Clean Elections that he was going to require these print-outs be used for the random audits that are required in each election. Way to go, Joe! For more on the dangers inherent in paperless computer voting, go to [www.blackboxvoting.com](http://www.blackboxvoting.com).

“A failure to regulate the arena of campaign finance allows the influence of wealthy individuals and corporations to drown out the voices of individual citizens ... [producing] a political system unresponsive to the needs and desires of the public, and causing the public to become disillusioned with and mistrustful of the political system.”

— Judge Richard Paez, writing for the U.S. Ninth Circuit Court of Appeals, in a ruling upholding limits on soft-money political donations to people running for state offices in Alaska. (“New York Times,” Aug. 13.)

# Actions/Announcements:

## **MTR EIS:**

Send in your comments on the Mountaintop Removal Mining Environmental Impact Statement. The deadline is **Jan. 6, 2004**. Send written comments to John Forren, U.S. Environmental Protection Agency, (3EA30), 1650 Arch St., Philadelphia, PA 19103. Also [mountaintop.r3@epa.gov](mailto:mountaintop.r3@epa.gov). For talking points visit [www.ohvec.org/issues/mountaintop\\_removal/articles/EIS\\_scam.pdf](http://www.ohvec.org/issues/mountaintop_removal/articles/EIS_scam.pdf).

## **Bush OxyMorons:**

Judge an initiative by its catchy name. At least that's what the Bush Administration is hoping you'll do. Why else would those crazy White House spin doctors come up with such great titles for their environmental legislation? Clear Skies Initiative? Healthy Forests Initiative? What's next? Arctic Drilling Homeland Preservation Act? Or how about C-8, Ain't It Great?

WV-CAG recently signed on with other West Virginia groups to a letter opposing Bush's proposed "Healthy" Forest Initiative. It's easy to get bogged down in the atrocities taking place here at home so, every once in a while, we try to react to all the "Good Government" stuff going on in D.C.

## **Rebates for BuSpar and Taxol Users:**

CAG is fighting for lower prescription prices through the Prescription Access Litigation project ([prescriptionaccesslitigation.org](http://prescriptionaccesslitigation.org)). As a result of this class action and suits by several state attorneys general (including WV AG Darrell McGraw) consumers gouged by certain drug companies can get a cash rebate for a limited time.

If you have taken BuSpar (anti-anxiety medication) or Taxol (a cancer-fighting medication), or their generic equivalents, contact the AG's office at 1-800-368-8808 or [www.wvlawswork.org](http://www.wvlawswork.org). The claim deadline for BuSpar is October 10 and for Taxol is November 14.

*West Virginia Citizen Action Group (WV-CAG) publishes Capital Eye weekly during the Legislative Session and regularly the rest of the year. Visit us 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!*