



Capital Eye

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Water Quantity, ATV “Safety” This Week’s Major Issues

Though it was poised to pass an amended version of the ATV bill (HB 4022), the Senate today “laid over” any action until Monday. It seems that lawmakers were not keen on a long debate on a snowy Friday afternoon. This means we have an extra day to work on improving the bill (see “A Citizen In Action” on page 6).

The current version is a weak attempt to get the issue out of the legislature and pretend that something meaningful was accomplished. Lawmakers, faced with the fact that the state leads the nation in per capita ATV-related fatalities, want the issue to go away. Yet this bill may actually cause even more deaths.

This bill would allow ATVs on thousands of miles of paved, but unlined, rural roads. Significant loopholes exist that could increase ATV usage on public lands as well. We are supposedly in the midst of an “insurance crisis” in this state and it’s amazing that the Insurance Industry is silent on the impact cars plowing into unlicensed ATVs will have on the tort system. If you can explain this apparent hypocrisy please call us and educate our staff.

On a much more pleasant note, the Water Quantity Bill passed out of the Senate Natural Resources Committee and is scheduled for quick Senate passage. The bill, which declares state ownership of West Virginia’s waters, is not nearly as strong as we had originally hoped for but it is a major building block in the right direction for future water-related issues.

The so-called Insurance Fraud bill passed in the House will be debated in the Senate next week. Also next week is likely to be the beginning of the debate on payday lending as well as progress on the Bottle Bill, Clean Elections and the Prescription Fairness issues.

Insurance Fraud Bill on Ice

by Gary Zuckett, garyz@wvcag.org

After scorching a trail through the House last week, the governor's Insurance Fraud Bill is "on ice" in Senate Judiciary while meetings take place between insurance lobbyists, the state Insurance Commissioner and others over what form the bill will take when it goes before the Committee. Insurance interests want to add provisions that will allow them to drop homeowners' coverage if a policy holder has more than one claim in a three-year period.

Consumer reps are fighting for more consumer protections from the potential abuse of the new fraud provisions the bill will enact. Say, for instance, you are negotiating with your insurer because fire destroyed your home and the insurance adjuster is offering an extremely low settlement. What is to stop him (or her) from threatening to report the blaze to the new fraud unit and hold up your settlement? So you can get on with your life, you may feel pressured to accept a low offer that leaves you out thousands of dollars.

This potential abuse must be addressed in the new legislation so a balance between catching real fraud and protecting consumers from unscrupulous insurance practices can be achieved.

Battle of the Insurance Hotlines

It may just be a coincidence, but a week after we rolled out our new Consumer Hotline on Insurance Abuse (1-866-WVB-FAIR), a little sticker appeared on the front page of the *Charleston Gazette* and radio ads were blaring out the Insurance Commission's new hotline. "We're the experts..." is their slogan. So call the experts at the Insurance Commission at 1-800-642-9004 and **ask Commissioner Jane Cline to make sure the new fraud law has strong consumer protections.** Ask her to rescind her order allowing insurers to use your credit score to raise your premiums (or cancel your policy) on auto and homeowners insurance.

Insurance Reform Bills In Process

The consumer-friendly insurance reform bills mentioned last week are in the final stages of review and should surface next week. Watch for details and bill numbers in our next issue.

Diverse Coalition Seeks Prescription Fairness for WV's Women & Families

by Julie Archer, julie@wvcag.org

Last Thursday, members of West Virginians for Prescription Fairness held a press conference to unveil legislation calling for fairness and equality in prescription coverage. The coalition is headed by the WV Free Coalition for Reproductive Freedom, but is comprised of a diverse group of organizations including WV-CAG, the National Association of Social Workers and the ACLU. A bipartisan group of legislators is co-sponsoring the legislation to require insurance companies to cover contraceptives under their prescription drug plans. Sponsors include Senate Majority Leader Truman Chafin, Senate Minority Leader Vic Sprouse, House Judiciary Chairman Jon Amores and Delegate Bonnie Brown.

When WV Free contacted us about being part of this coalition, it was basically a “no brainer.” As consumers, women and families are getting a raw deal from their insurance providers. Over 97% of health insurance plans provide coverage for prescription drugs, but nearly half of typical large-group insurance plans fail to routinely cover contraceptives. As a result, women of childbearing age pay 68% more for basic health care than men in the same age group because they must pay for birth control out of pocket. This is an issue of basic fairness and equality but it is also a pocketbook issue for many families. Contraception is basic health care and insurance should cover it.

Look for the “Prescription Fairness Act” to be introduced next week. **To take action and demand prescription fairness for West Virginia's women and families go to www.ppaction.org/campaign/WV_Prescription_Fairness.**

WV-CAG Welcomes Marge

Marge Michau is now our Insurance Hotline call-back person. We've been getting lots of calls from consumers all over the state and Marge will be making the return calls to help these folks through the process of filing a formal complaint with the Insurance Commission and telling their story to the Legislature. Tell your friends to call **1-866-WVB-FAIR** if they have a grievance with their insurers.

Bottle Bill Introduced in Both Houses

by Linda Mallet, linda@wvcag.org

This week the West Virginia Bottle Bill was introduced in both the House and Senate. Both bills were double-referenced to the Judiciary and Finance Committees.

Sponsoring SB 293 are Senators Brooks McCabe, Randy White, John Unger, Herb Snyder, Andy McKenzie and Larry Edgell. Delegates sponsoring HB 4147 are Barbara Warner, Nancy Houston, Donna Renner and John Doyle. **Many thanks to Senator McCabe and Delegate Warner for taking the lead on sponsoring this legislation again this year!**

This year's bill would create a 10-cent deposit on glass, aluminum and plastic beverage containers. Consumers would pay the deposit when they purchase containers. Their dime would be fully refunded when they return containers for recycling. SB 293 and HB 4147 are modeled after the Michigan container law but tailored for West Virginia. For instance, the \$20 million in unclaimed deposits (coming from people who choose to NOT return their containers, travelers buying containers on their way through our state, etc.) would fund clean-up programs, pay retailers and redemption centers a handling fee for accepting empty containers, and help fund efforts by solid waste authorities to participate.

Calls are needed to get the Bottle Bill on the Senate and House Judiciary Committee agendas and to let your legislators know that this issue is important to you. Please call today and ask your representatives to support the WV Bottle Bill.

Also this week we launched www.wvbottlebill.org. From there you can sign our on-line petition, download information and, by clicking on the WV-CAG site link, type in your zip code to contact your legislators.

Remember: to show how deposits can work, **bring your empties (glass, plastic or aluminum) to Deposit Day on February 17 during E-Day at the Capitol.** We'll "refund" you a dime for each one! We'll also have bumper stickers available. More details in next week's issue!



Committees Poised to Take Up Clean Elections

by Julie Archer, julie@wvcag.org

Last week the West Virginia Clean Elections Act (now the “Public Campaign Financing Act”) was introduced in the Senate (SB 270) and Senate Judiciary Chairman Jeff Kessler has indicated he plans to take up the bill in the next couple of weeks. We are still awaiting the bill’s introduction in the House, but this week House Judiciary Chairman Jon Amores appointed a special subcommittee to look at the bill.

In order to keep the debate and discussion alive on this much needed legislation, **members of these committees need to hear from their constituents that Clean Elections is an important issue!** For a list of Judiciary committee members and contact information visit the legislative website at www.legis.state.wv.us. Members of the House subcommittee are Delegates Fleischauer (chair), Brown, Craig, Ellem and Webster.

Your calls and letters made the difference during the interims and helped us clear a major legislative hurdle. We need your help again to continue moving towards comprehensive campaign finance reform! If you haven’t contacted your legislators yet asking them to support the WV Public Campaign Financing Act, please do so. If you’ve already sent a letter or e-mail, follow up with a phone call. Fact sheets and talking points on Clean Elections are available at www.wvcag.org.

New Choice On the Air Waves

Our air waves are about to be enriched as a new West Virginia-based talk show premieres on WWNR-AM 620 in Beckley. “Head-On With Bob Kincaid” promises that it won’t cater to the right-wing but will bring spirited fun back to local talk radio. Check out this new show, which will soon be available across the state via streaming internet audio, on Mondays and Wednesdays at 8PM and Tuesday, Thursdays and Fridays at 7PM.

A Citizen In Action

(The following is an e-mail sent by WV-CAG member Tim Higgins. We hope it inspires you to contact your legislators on this and other issues! Please see contact info on page 7 and call or write today!)

I write to you today in reference to the ATV Bill HB4022 that is on 3rd reading on the senate floor. Please consider this bill very carefully when it comes to the floor. My concerns with this bill are the loop holes that would open up thousands of miles of state maintained roads to these machines without a requirement of any type of insurance for damage that they may inflict on WV's motoring public. Motor vehicle insurance in recent years has gone up substantially along with the uninsured and underinsured clauses that must be kept on the policy because of the current situation with ATV's.

My understanding is the bill will require head protection gear on riders under 18 years of age. Two comments on this provision are called for. This says to ATV users that at 18 years old your head becomes so hard that you don't need head protection. Please produce a study that justifies this policy. This provision will also mandate that riders carry some form of ID to prove how old they are.

As I understand it, the bill will allow two riders on a machine that is build for one. This flies in the face of reason. The manufactures don't recommend this practice and the West Virginia legislature should not make it a provision of a Safety Bill.

Thank you for hearing my concerns.

Tim Higgins, Buckhannon, WV

Many of you responded to last week's insert - our expanded Request For \$\$ - and "voted" on your favorite WV-CAG issue with your checkbook. Your contributions really make the difference! If you've not yet contributed, the Session is a great time to do so! Please clip and mail to 1500 Dixie St., Charleston, WV 25311:

Name: _____

Address: _____

Here's my donation of \$ _____

Send me action alerts at my e-mail: _____

Calendar/Announcements

February 9: Citizens For Clean Elections, 11AM in the Capitol Cafeteria (basement of Capitol). If you can, stay after the meeting and lobby your legislators! For more information, call 346-5891.

February 17: West Virginia Environmental Council's Annual E-Day! at the State Capitol, Lower Rotunda. Environmental Displays, 2004 Award announcements and a great opportunity to join citizens from around the state to lobby your legislative representatives!

Deposit Day: February 17 (in conjunction with E-Day)! **Want a free lunch?** Bring your empty plastic, glass or aluminum beverage containers and we'll refund you a dime for each one - up to \$5.00! We'll take your containers at E-Day and outside by the Capitol fountain. We also need volunteers to help us collect containers. Call Linda at 346-5891 or linda@wvcag.org if you can help out!

Contact Your Legislators/Governor

Governor Wise: 1-888-438-2731

Senators and Delegates: 1-877-565-3447

Write your legislators at:

The Honorable _____

Member of WV Senate/House of Delegates

Bldg. 1, State Capitol Complex

Charleston, WV 25305

To track bills, floor calendars and public hearings, or to send an e-mail to legislators, **visit www.legis.state.wv.us**.

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!