



# Capital Eye

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## Defying Logic and Reason

In a tradition that defies all logic and reason, each session the House and Senate play a game of “one-upmanship” with their own pet bills. This game is used as leverage against each other for gosh knows what convoluted purposes. Sometimes the issues are blatantly obvious. Sometimes it takes weeks for them to become apparent. So far the “hostage bills” seem to be the All Terrain Vehicle Safety Bill (HB4022) and the Pharmacology Affordability Act (HB4084).

Early in the session the house passed a very weak ATV bill. The Senate then passed a much stronger version. Now the House has rejected the Senate bill and the whole issue will be debated anew in a conference committee.

Quite early in the session House leadership surprised everyone by introducing a unique and innovative approach to controlling state-purchased prescription drugs. The Pharmaceutical Affordability Act would allow West Virginia to establish drug prices by the same system that the Federal government uses when it purchases drugs for agencies such as veterans’ hospitals, the Bureau of Indian Affairs, federal prisons, etc. This Act makes a lot of sense and could result in a savings of as much as \$200 million to the state’s PEIA, CHIP and medicaid programs.

Well! The House quickly passed this no-brainer bill and sent it to the Senate for speedy approval. Logic and reason prevailed for one brief shining moment before the Senate began to attack the bill. The reason? They don’t want the House to look good. Now the bill is in jeopardy because of such statesmanship. This is not how our 8th grade civics class teacher taught us that the democracy is supposed to work.

Stay tuned because next week’s *Eye* will recap what will likely be the Session’s defining week as nearly all of the issues and bills will be debated and their ultimate fates will become more apparent.

# Tenacious Leadership For All the Right Reasons

by Norm Steenstra, norm@wvcag.org

We spend a lot of time and energy criticizing legislators with thousands of words of cynicism concerning the “democratic process.” Sometimes, however, individual legislators deserve our praise and admiration. Listed below are a couple of folks that deserve WV-CAG smiles and kudos:

**Senator Brooks McCabe** (D-Kanawha) has become the champion of the eventual passage of the bottle bill. McCabe, a real estate developer in his real life, has worked tirelessly with WV-CAG staff on the bill. Motivated not by any “tree hugger” values, but rather by the common sense and economic cents that come with a state wisely managing its waste and resources, Brooks believes in the bottle bill and this week told industry opponents, “We are going to introduce the bill this year, and next year...”, quietly letting them know the issue isn’t going away.

We have already mentioned to you **Senator John Unger’s** (D-Berkeley) tenacious leadership on the Water Quantity Preservation bill. For several years Unger has worked against the current of intense industry lobbying to insure that West Virginia lays claim to its water resources and surveys the quantity of that resource. Unger, who once worked with Sister Teresa, is a man of vision and is now on the verge of seeing his vision become state law.

There are other individuals that are deserving of our praise but for time and space considerations I’ll close this article by saluting **Senator Mike Oliverio** (D- Mon) for his work on the All Terrain Vehicle Safety Bill. Oliverio, not always friendly to WV-CAG issues, must be singled out as the most effective and persistent spokesperson for advocating child safety and common sense regulation of ATV use. It was the “Oliverio “ amendment to the Senate ATV bill that significantly strengthens the measure.

To Senators McCabe, Unger, and Oliverio – it’s an inspiration to see such dedication and leadership on important (and not always popular) state policy issues. **You are doing West Virginia proud!**

***“What the people want is very simple. They want an America as good as its promise.” - Barbara Jordan***

# Fight Brewing Over Changes to Coal Truck Rules

*by Julie Archer, julie@wvcag.org*

Last year the legislature passed SB 583, making it legal for coal trucks with special permits to haul up to 120,000 pounds on more than 2,000 miles of road in 15 southern counties. The new law went into effect in October and the Public Service Commission (PSC) has issued nearly 1,000 permits so far. About 700 of those permits were for the heaviest legal loads.

The new law requires shippers and receivers of coal to report weight and other transport data to the PSC. That provision applied to all 55 counties. During the January interims the Rule-Making Review Committee adopted an industry amendment to the rules the PSC uses to enforce the new law. The amendment, offered by Delegate Sam Cann, would change the reporting provision and limit it to those trucks operating in the 15 southern counties that make up the Coal Resource Transportation System (CRTS). The PSC objected to the amendment saying the rule change was inconsistent with the new law's intent.

Delegate Mike Caputo, who fought against passage of SB 583, said that changing the reporting provision took the teeth out of the bill. Last week he told MetroNews that the one thing he liked about the bill was that companies would have to show what they'd been hauling. Trucks driving through every county had to be accounted for. Caputo said he plans to challenge the committee's decision.

The bill that would make the rule change has been introduced in the Senate (SB 392) and was taken up Wednesday by the Industry, Energy and Mining Committee. We expected EIM to rubber stamp it, but the committee agreed to hold the bill for a week after Senator Hunter raised a question about the change. Ted Hapney with the United Mine Workers told the committee that the rule change would allow truckers operating outside the CRTS to skirt the language of the law.

SB 392 must also pass the Judiciary Committee before it goes to the floor. This is likely our best place to stop it if EIM accepts the industry amendment. Next week promises to be interesting so stay tuned for the latest.

# Calls Needed On Bottle Bill

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

Senators and delegates need to know that **you** want a West Virginia Bottle Bill. Here are two ways you can do that:

**First**, call or write your legislators and ask them to support SB 293 and HB 4147. Here's what you can say:

"A West Virginia bottle bill will clean up our highways and neighborhoods. Bottle Bills work in 10 other states. Please support this legislation that will not only pay for itself and generate millions for the state but will save me, a taxpayer, money in avoided landfill and litter clean-up costs, and make West Virginia a cleaner place!"

**Second**, come to Deposit Day and bring as many empty beverage containers as you can to the Capitol on **Tuesday, February 17 from 11 AM to 2 PM** in the lower rotunda (bring one, two, ten, whatever you can). WV-CAG will have a booth at E-Day where **we'll "refund" you a dime for each container you bring us (up to 50)**. Then why not take your \$5, have lunch at the Capitol cafeteria and lobby your legislators and visit the other folks at E-Day? What better way to show your support for the Bottle Bill and for the environmental movement, and to show legislators (and other lobbyists) that people care. Plus you can pick up your Bottle Bill bumper sticker!

Many legislators support the Bottle Bill concept but don't see it as a priority or a "crisis solver." They need to know it matters to you and they need to be encouraged to do something proactive and make our state a cleaner place. Help make our voice at the Capitol even louder and call your legislators today!

Need another reason for campaign finance reform? Another reason to support HB 4260 and SB 270, the Clean Elections Bills? This past week one of the Bottle Bill sponsors received a visit from Coca-Cola, a traditional bottle bill foe, whose lobbyist let this legislator know to not expect any more campaign contributions. One more reason to call the sponsors of Clean Elections, the Bottle Bill and other good legislation and thank them!

# Clean Elections Hearings on Horizon

*by Julie Archer, julie@wvcag.org*

Clean Elections legislation was introduced this week in the House (HB 4260) and the House subcommittee is scheduled to meet Monday afternoon. If your legislator serves on this subcommittee please contact them and ask them to support the “WV Public Campaign Financing Act.” Subcommittee members are Delegates Fleischauer (chair), Brown, Craig, Ellem and Webster. Other Judiciary Committee members should be hearing from their constituents as well. For a list of Judiciary committee members and contact information visit the legislative website at [www.legis.state.wv.us](http://www.legis.state.wv.us).

We still anticipate the Senate version (SB 270) to be taken up by the Judiciary Committee at anytime. Chairman Kessler plans to run the bill, but our understanding is he has held off at the request of House Chairman Amores who wanted his subcommittee to have an opportunity to meet. So this could be the week! **If you haven't contacted your Senators yet asking them to support Clean Elections please do so. If you've already sent a letter or e-mail follow up with a phone call.**

**The legislature will only pass this reform if the public is clamoring for them to do it! Please call or write today, or consider attending the Citizens for Clean Elections meeting Monday, February 9 at 11 am in the Capitol cafeteria and stick around to lobby your legislators after the meeting.**

**See Clean Elections Talking Points on center page of this issue!**

## Prescription Drug Bill Passes House

**HB 4084 – the WV Prescription Availability and Affordability Act** passed the House of Delegates last week and is now being studied by Senator Prezioso, Chair of the Senate Health and Human Resources Committee. This bill would allow WV to link up with other states and require Drug manufacturers to sell to WV at the lowest prices negotiated by the federal government. This could save state agencies and citizens 40-50% on expensive prescriptions. **Urge Senator Prezioso to pass this much-needed bill on to Senate Finance.**

# Insurance Bills Everywhere

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

Long-awaited consumer-friendly insurance bills should emerge from legislative limbo next week, several of which have been crafted to reform the insurance industry and the state commission that is supposed to regulate it. Here's is a short list:

**\*Expanded Consumer Advocate** – independent of the Commission to challenge rate increases insurers bring before the Commission and stand-up for consumers rights.

**\*Rate Roll-Back** – would force insurers to reduce premiums if they succeed in passing “tort reforms” increasing their profits.

**\*Outlaw Credit Scoring** – so companies can't raise rates (or cancel) auto and homeowners insurance based on an unfavorable or inaccurate credit rating.

**\*Whistle-Blower Protection** - for insurance agents who reveal unfair insurance industry dealings and bad faith practices.

The governor's **Insurance Fraud Bill SB-145**, is still under negotiation in Senate Judiciary. Attempts are being made to make it more balanced to afford policy holders equal protections from bad faith, fraud and extortion by unscrupulous insurance companies as well as protecting the industry from individuals who fake claims.

Insurance bills emerge daily. Several were taken up by the Senate Banking and Insurance Committee this week. **SB 431** would allow WV to join “an interstate compact for a centralized process for review and approval of insurance products.” As explained by the Commissioner this would allow more portability on life, long-term care and other insurance that might be purchased in one state and used in another. We'll see. The devil is always in the details.

**SB 430** would remove caps on the penalties assessed on law-breaking insurance companies under the Unfair Trade Practices Act. On the surface this seems like a “get tough” bill for bad actors in the insurance business. However, it was referred to a sub-committee chaired by Senator Jenkins, a staunch proponent of so-called “tort reform.” Bets are good this bill will emerge transformed into a “Trojan horse” with anti-consumer language in its belly. One must also question the bill's original intent since the Commissioner has never used this law to punish companies for unfair trade practices. Hmm...

Expect these insurance issues to heat up next week and blaze on into the final hours of the 2004 session.

# 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](http://www.legis.state.wv.us)**.

**Not sure what district you are in? Log on to [www.wvcag.org](http://www.wvcag.org), type in your zip code and get all the contact info for your delegation. It couldn't be easier!**

## ???Bush Wisdom???

**“...while one of us can't do everything to help heal the hurt of America, each of us can do something to help make somebody's life in your community a better place.”**

**George W. Bush, January 16, 2003**

## Hotline Number Getting Lots of Calls

Remember, if you've had a problem with your insurance provider, give us a call toll-free at 1-866-WVB-FAIR. We are collecting horror stories from consumers who have seen their insurance rates increased unfairly. Call us and we'll take a report from 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!*

# Clean Elections Talking Points

√ Under our current funding system it is increasingly difficult for the average West Virginian to effectively participate in our democracy and to make their voice heard above the special interests that finance campaigns. Comprehensive campaign finance reform is needed to reduce the influence of special interests in our political process.

√ Fewer than ½ of one percent of voting age West Virginians contribute to campaigns leaving the door wide open for wealthy, special interest contributors to influence public policy. In West Virginia, many issues like better education for our children, greater environmental protection, and better access to health care for all our residents, take a back seat to the big special interests that currently fund many legislators' campaigns.

√ As a taxpayer and voter, I would rather have my tax dollars subsidize elections instead of projects that largely benefit special interests.

√ Public financing of campaigns in West Virginia will decrease the public perception of corruption in our political system.

√ Public financing will decrease the amount of time that a candidate needs to spend raising money and provide more time for a candidate to talk with voters in his/her district about issues that matter most to them.

√ Clean Elections has the potential to reinvigorate democracy. This system would provide a candidate public funding through collecting many small qualifying contributions from registered voters within his/her district, making the candidate accountable to voters instead of special interest contributors.

***“When buying and selling are controlled by legislation, the first things to be bought and sold are legislators.”***

***P.J. O'Rourke***

# Announcements/Calendar

**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 16:** Press Conference on E-Day and Deposit Day in the Governor's Conference Room (located in the Secretary of State's office), 4 PM. Please come out and show your support!

**February 17:** West Virginia Environmental Council's Annual E-Day! at the State Capitol, Lower Rotunda (see reverse).

## Deposit Day - Free Lunch Money!

**February 17** (in conjunction with E-Day)! Bring your empty plastic, glass or aluminum beverage containers and we'll refund you a dime for each one - up to \$5.00! WV-CAG will have a Bottle Bill booth at E-Day so bring as many containers as you can - one, two, fifty or more (we can "refund" you for up to 50). We'll be in the lower rotunda, so please stop by. We also need volunteers to help us collect containers. Call Linda at 346-5891 or [linda@wvcag.org](mailto:linda@wvcag.org) if you can help out!

## Help Us Get Through the Second Half of the Session!

Now is a great time to renew your membership or send in a little something extra to help get us through the rest of the Session. 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: \_\_\_\_\_

## **E~Day! Exhibit Participants Include:**

**West Virginia Environmental Council**  
**WV Highlands Conservancy**  
**Ohio Valley Environmental Coalition (OVEC)**  
**Coal River Mountain Watch**  
**WV Citizen Action Group (WV-CAG)**  
**Mountaineer Chapter ~ Trout Unlimited**  
**WV Environmental Advocates Office /DEP**  
**Tire Reuse Services (TRUS)**  
**WV Wilderness Campaign**  
**National Republicans for Environmental Protection**  
**Medicine Song Crafts**  
**Stanley Heirs Foundation**  
**Tyler Mountain Community Association**  
**Citizens For Clean Elections**  
**Peoples Election Reform Coalition (PERC)**  
**Friends of Blackwater Canyon**  
**Spring Creek Natural Foods, Inc.**  
**Friends of the Mountains**  
**Wholistic Wellness Network**  
**WV Chapter, Sierra Club**  
**Sierra Club Central Appalachian Environmental Justice**

***West Virginia Environmental Council***

*1324 Virginia Street East • Charleston, WV 25301*

*304-346-5905 • [www.wvecouncil.org](http://www.wvecouncil.org)*

# West Virginia Environmental Council

## 15<sup>th</sup> Annual E~Day! At the Capitol

Tuesday, February 17, 2004

**Exhibits Open: 10:00 ~ 3:00** (*Lower Rotunda*)

**WVEC Brief Announcements ~ 12:00**

**Welcome:** *Fred Sampson, WVEC Pres.*

**Introduction of Lobby Team:** *Don Garvin*

**Recognition of 2004 Award Recipients**

**Deposit Day – 11:00 am ~ 2:00 pm**

**Bring your glass, plastic & aluminum containers,  
Receive 10 cents each (up to 50). See Bottle Bill table**

### *Evening Reception & Benefit:*

**Perfater Office Lobby ~ 1311 Virginia St. East, Charleston**

**5:30 till 10:00 pm ~ Music, Silent Auction,**

**Dinner Buffet, Refreshments**

**\$ 5.00 suggested donation at the door**

**Music begins at 6:00 ~ Blues guitarist & singer, *Debbie Grimm***

### **2004 Award Presentations at 7:00:**

**Laura Forman Grassroots Environmental Activist....Freda Williams**

*Presented by: Judy Bonds*

**Linda Schnautz Environmental Courage..... Patty Sebok**

*Presented by: Janice Nease*

**Green Entrepreneur.....Spring Creek Natural Foods**

*~ Presented by: Chuck Wyrstok*

**Chuck Chambers Public Service....Jack Spadaro**

*Presented by: Julian Martin*

**Mother Jones Award ..... Janet Fout**

*Presented by: Dianne Bady*

**Music resumes at 8:00 pm ~ Steve Himes**