



Capital Eye

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Something's Different This Year

by Norm Steenstra, norm@wvcag.org

With the session half way over, it has finally dawned on me what is different about this session from the previous 14 I've observed. In the past it's been nearly impossible to tell the difference between Republican and at least half of the Democratic legislators. It's been said that nothing ideological really separates the conservative Democrats from the Republicans. But this year the Republicans seem to be redefining themselves. There is a sort of pervasive meanness, an almost deliberate attempt to wrap their agenda and the debate in extreme nationalism, racial bigotry and religious intolerance. WV-CAG has many Republican members and those of you whom I know would be ashamed of some of the tactics and extreme right-wing policies that the Grand Old Party is using.

Delegate Barbara Fleischauer (D-Mon) introduced a bill requested by Morgantown fire officials to stop the insane practice of burning couches after WVU sporting events. The "couch" bill is the butt of some jokes but does attempt to address a serious public safety problem. So what do Republican House members try? They introduce an amendment to make flag burning illegal, an oft-debated ploy to embarrass anyone left of Genghis Khan.

This week senators debated racial profiling, English as the state's official language and a state policy of religious tolerance (which was actually pushed by the Christian right). Some rhetoric and questions from Republicans smacked of racial bigotry not heard in public for several decades. Senator Andy MacKenzie (R-Ohio) should be singled out for dishonoring the Party of Lincoln on Lincoln's birthday. SB425, prohibiting foreign language versions of official documents, was successfully amended to take out most of its offense language, but still passed the committee with only one dissenting vote from Senator Randy White (D-Webster) voting with a loud "NYET." The rest of the session augers for much of the same and probably will set the tone for an extremely ugly general election.

Public/Private Transportation - Bad Public Policy?

by Gary Zuckett, garyz@wvcag.org

After a rough start, a version of a bill to allow private contractors to build toll roads, bridges, and ports passed the Senate Economic Development Committee and was referred to Finance. SB 221 is touted to create more jobs and build more roads and bridges. But it's receiving a mixed reception. The state's highway commissioner was quoted this week saying he couldn't understand why a private outfit would dump millions of dollars into a bridge and then have to wait 40 years to have it paid off a dollar at a time in tolls. Commissioner VanKirk cited traffic count figures that supported his position. He also expressed concern about long-term debt tying up state highway funds needed for road repairs.

Meanwhile AFSCME, the public employees union, is concerned on the effect the proposed legislation may have on state highway workers. The section on service contracts allows "any public entity" to contract out services for any "transportation facility" This could arguably allow the state to "privatize" state highway maintenance crews across the state.

The section on "Dedication of Public Property" would allow "any public entity" to "convey any property interest that it has" to private developers to be used as a "qualified transportation facility." Translation: this bill would transfer state property (or condemn private property) to private developers along with partial state funding to build toll roads, bridges, or ports totally owned by the developer who would then charge the public for their use. Who needs this? The Northern Panhandle racetrack so the public can help subsidize a new bridge to bring over Ohio gamblers more quickly? No thanks!

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!

Supreme Court Awards WV-CAG Attorney Fees

18 months ago, WV-CAG sued the Legislature, Governor and the State Economic Development Authority over the proposed \$400 million bond sale. Our suit challenged the constitutionality of the sale. Ultimately we prevailed as the WV Supreme Court declared the bonds unconstitutional. The ruling forced the legislature to pass a new bond law that did not violate the “separation of powers” between the Legislature and the Executive branches. Although our suit was not entirely popular with many of our friends, we believe we acted in the public interest. Apparently so did the Supreme Court as it not only ruled in our favor but actually awarded nearly \$29,000 to CAG’s pro bono lawyer Larry Harless. Ironically the money comes from some of the proceeds of the new bond issue. WV-CAG board and staff are proud of the decision and pleased that Harless’s hard work and brilliant legal arguments were at least partially rewarded.

Hurry Up and Wait On Insurance Bills

by Gary Zuckett, garyz@wvcag.org

The wheels of the legislature can grind slowly and this is the case for the pro-consumer insurance bills we mentioned last week. Watch for them to finally emerge in both the House and Senate this coming week. We’ll be asking you then to call you lawmakers for their support.

The insurance fraud bill, HB 4004, passed out of Senate Judiciary Committee without discussion of the complete “strike and insert” amendment that was negotiated over the past two weeks between the insurance commissioner, industry lobbyists, and consumer attorneys. It emerged without both the pro-consumer sections and the ones promoted by the industry. Sometimes less is better. The bill now goes before the Senate Finance Committee. Now that a claims fraud unit is bound for passage, a look should be given to fraud by insurance companies themselves. According to an FBI study on insurance company solvency, “The business of insurance is uniquely suited to abuse and fraud.” Enough said.

Clean Elections: Keep Calls Coming!

Keep those calls coming in support of the WV Clean Elections Act (SB 270 and HB 4260)! Senate Judiciary did not take up the bill this week, which gives us more time to make sure we have the votes. Committee members who really need to hear from folks are Senators Fanning, Harrison, McKenzie, Minard, Oliverio, Smith and Snyder. Sponsors should also get calls that their support for Clean Elections is appreciated. Sponsors on the committee are Senators Caldwell, Hunter, Jenkins, Kessler, Rowe and White.

The House sub-committee met this week and is scheduled to meet again on Monday. It is a good committee and it is giving the bill serious consideration. For the latest attend E-Day, Tuesday, February 17, and stop by the Citizens for Clean Elections table. Please come and lobby for clean elections and a clean environment!

Committee Rubber Stamps Weakening of Coal Truck Enforcement Rules

by Julie Archer, julie@wvcag.org

This week the Senate Energy, Industry and Mining Committee (EIM) rubber stamped proposed changes to the rules the Public Service Commission (PSC) uses to enforce the new “overweight coal truck law” that was passed last year. The rule change weakens a provision that requires shippers and receivers of coal to report weight and other transport information to the PSC by limiting it to those trucks operating in the 15 southern counties that make up the Coal Resource Transportation System (CRTS). This change is in conflict with the intent of the law.

Senator Jon Blair Hunter was the lone vote against the bill (SB 392), which will be considered next by the Senate Judiciary Committee. Thank you Senator Hunter! Hunter told the Associated Press, “Hopefully, judiciary will get some legal opinions. Either way, I believe this will end up in court.”

Please contact Judiciary Committee members and tell them NOT to weaken the reporting provision for coal trucks. Tell them that trucks driving in EVERY county should be accounted for. If this bill passes the Senate, count on a fight in the House led by Delegate Mike Caputo.

Demand Prescription Fairness for WV Women and Families

After unexpected delays, the WV Prescription Fairness Act was introduced this week in both the Senate (SB 494) and the House (HB 4420). The legislation, which has bipartisan support, would require insurance companies to cover contraceptives under their prescription drug plans. Sponsors include Senate Majority Leader Truman Chafin, Senate Minority Leader Vic Sprouse and House Judiciary Chairman Jon Amores. Delegates Barbara Fleischauer and Bonnie Brown, who have been tireless champions of women's rights, are also sponsors.

In the Senate, the bill has been referred to the Committee on Banking Insurance and in the House to the Health and Human Resources Committee. If your legislator serves on either of these committees, please contact them and ask them to support the WV Prescription Fairness Act. A list of committee members is available at <http://www.legis.state.wv.us>. While we are currently targeting members of these key committees, all legislators need to hear from their constituents that providing contraceptive equity is the right thing to do. It's about basic fairness and equality!

You can take action and demand prescription fairness of West Virginia women and families by going to http://www.ppaction.org/campaign/WV_Prescription_Fairness.

For more information or talking points e-mail julie@wvcag.org or call 304-346-5891.

Free Money For Your Empties!

Reminder: Tuesday, February 17 we'll give you 10 cents for each beverage container (plastic, glass, or aluminum) you bring to us at E-Day! We'll refund you for up to 50! Please come to the lower rotunda between 11AM and 2PM, visit the bottle bill booth and bring us your containers. For more information, visit www.wvbottlebill.org or call 304-346-5891. Come out and help us show how a bottle bill can work in West Virginia and **support HB 4147 and SB 293**. This event is made possible by generous support from the WV Sierra Club and our CAG members!

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**.

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

The Bill You've All Been Waiting For

Delegate Rick Staton (D-Wyoming) introduced HB 4390 this week. This bill makes tongue splitting a crime unless performed by a licensed physician. "Tongue splitting" as defined in the bill means "the cutting of a human tongue into two or more parts". Lobbyists for the delicatessen industry believe that the bill will not adversely effect the creation of tongue sandwiches. What was first thought to be a tongue in cheek attempt at legislative humor actually turns out to be making a really dumb fad safer.

Please send in what you can to help us get through the rest of the session! Please renew your membership or send in a little something extra to help get us through 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: _____

Registration Drive Planned

by Gary Zuckett, garyz@wvcag.org

As soon as I finish writing this I'll be packing up to drive to Washington DC to the Winter USAction Conference. One of the big topics there will be how to organize in WV to register voters for the fall election. We're hoping to work with community groups around the state on this non-partisan effort. WV has around 300,000 eligible citizens who are not registered to vote. Chances are you know several of them. We will be calling for volunteers from across the state to help in this effort to bring as many as possible into our democratic process. Call now if you're ready to begin. We've got the materials and information you need to get started right away.

Come to The West Virginia Environmental Council's E-Day!

State Capitol, Tuesday, February 17

Lower Rotunda area ~ 10:00 am ~ 3:00 pm

Featuring:

Groups, Organizations & Green/Sustainable Business Displays!

Honoring our 2004 Award Recipients

Citizen Lobbying

Stick around for the *E-Day! Reception & Benefit*

5:30~10:00 p.m., Perfater Office Lobby, 1311 Virginia St East, Charleston

Music: Steve Himes & The Blue Notes, Unplugged Blues guitarist & vocalist: Debbie Grimm

- Fun Silent Auction Items!
- Refreshments & Dinner Buffet ... food from Spring Creek Natural Foods, and other fine selections
 - 2004 WVEC Award Presentations

\$5.00 suggested donation at the door