



# Capital Eye

Volume 3, Issue 6

February 20, 2004

## Clean Elections Up for a Vote: Last Chance to Contact Legislators!

For the past several weeks we have urged you to contact your legislators asking them to support Clean Elections. We've anticipated a vote, and now the moment has arrived. The Senate Judiciary Committee will take up the WV Public Campaign Financing Act (SB 270) on Monday, February 23. **We have an opportunity to repeat our success of the interims, and with your help we can do it! NOW is the time to get phone calls, e-mails, etc. to key members of the committee. Please call today!**

Committee members who really need to hear from you are Senators Fanning (357-7867), Harrison (357-7841), McKenzie (357-7984), Minard (357-7904), Oliverio (357-7919), Smith (357-7843) and Snyder (357-7866). Call even if these aren't your senators. For example, Senator Oliverio is running for Secretary of State!

The vote will be very close. Getting a "YES" vote from just two of the Senators listed above could get this bill out of the Judiciary Committee - a great victory for Clean Elections!

Of course we are counting on our sponsors and they should get calls that their support for Clean Elections is appreciated. Sponsors on the committee are Senators Caldwell (357-7957), Hunter (357-7995), Jenkins (357-7956), Kessler (357-7880), Rowe (357-7854) and White (357-7906).

**If you only make one call this session, this is the one!** Calls to legislators MAKE A DIFFERENCE and Clean Elections can make other reforms possible by reducing the influence of special interests in government decision-making. **Please see Talking Points on page 6 of this newsletter.**

Citizens for Clean Elections meets on Monday, February 23 at 10 AM in the Capitol cafeteria. Please attend to find out the latest, stay afterward to lobby and attend the Senate Judiciary Committee meeting at 3 PM to watch the vote.

# Consumer Advocate Bill Reappears

*by Gary Zuckett, garyz@wvcag.org*

After weeks in limbo, several pro-consumer bills emerged in both houses. In the Senate, the most exciting is SB 544 establishing an independent Insurance Consumer Advocate. Co-sponsored by twenty Senators including Senate President Tomblin and Judiciary Chair Kessler, it's a much-needed addition to help balance the insurance industry's overreaching influence on the Commission.

SB 545 would prohibit "credit scoring" in casualty insurance. As mentioned previously, insurers are now using the excuse of a poor credit report to cancel or increase rates on car and homeowners insurance, thus creating hardships for many consumers.

SB 550 would require insurance companies to rollback rates if they receive windfall profits from "tort reform" and other "reform" measures they seek which jack-up our rates and drop us when we file normal claims.

All Senate insurance bills are assigned to the Banking and Insurance Committee whose Chair, Senator Joe Minard (D-Harrison), has passed reams of pro-industry bills out of his committee. Call him at 357-7904 and ask him to pass these bills for the little guy (and gal). Also contact other members of the committee as listed on the Legislature's web page at [www.legis.state.wv.us](http://www.legis.state.wv.us).

# Act Debated, Constitution Defeated

*by Gary Zuckett, garyz@wvcag.org*

HB 4367 sparked a day-long discussion of the USA Patriot Act in House Judiciary on Thursday. This bi-partisan bill simply stated that state and local law enforcement agencies must follow the federal and state constitutions and not set up surveillance on citizens who are merely exercising their constitutionally-protected rights of political protest, assembly and freedom of religion.

According to the Bill of Rights Defense Committee, [www.bordc.org](http://www.bordc.org), 253 communities in 37 states (including three state governments) have passed laws or resolutions against the Patriot Act's unconstitutional provisions. Alas, it appears WV will not be joining them this year. The bill was defeated in an 11-11 vote with some supporting committee members out of the room.

This reminds me of a vote I witnessed in the mid-1990s when former Senator David Grubb, then WV-CAG's executive director, proposed a resolution on the Senate floor that sounded much like his usual "radical/progressive" agenda. And, as usual, Grubb's initiative was

overwhelmingly defeated. Only afterward did the Senator reveal to his colleagues that his resolution was plagiarized. It was a direct quote from the Bill of Rights!

## Deposit Day A Success!

*by Linda Mallet, linda@wvcag.org*

WV-CAG's Bottle Bill table volunteers were kept busy on Tuesday, collecting about **1,000 cans an hour!** Many folks brought in the 50-can limit, some stopped by with one or two cans. Completely coincidentally, the Soft Drink Association was also having its day at the Capitol so that made things even more interesting. Pepsi and Coke reps visited our booth to educate us in our misguided ways. Luckily they had to wait their turn as we were busy collecting containers! And, while the soft drink folks were giving away drinks upstairs, we were giving away dimes downstairs for the empties!

Lots of folks signed the petitions and took bumper stickers. Our booth was abuzz and we gave away LOTS of dimes. Many legislators and lots of Capitol staff stopped by with bags of containers. Folks from out-of-town and locals alike came in. One woman from Charleston proudly stated that with just a loop around her block she was able to find enough containers to fill her bag. Another visitor collected containers as he walked toward the Capitol for the event.

I want to thank the following folks, many of whom drove hours to Charleston to help out: Lloyd Shortridge, Navneet Bhullar, Bill Douglas, Stacey Nonamaker, Phil Eakins, Norm Steenstra III, Mike Forman, Julie Archer, Marge Michau, Jim Kotcon and Rich Little. Their assistance made everything run incredibly smoothly. Thanks go out as well to the WV Sierra Club whose sponsorship made this event possible and to the WV Environmental Council for helping us get the word out, for supporting our cause and letting us share in their day. **We also owe a round of applause to our generous WV-CAG members who have helped fund our efforts over the past months.** Thanks, too, to those of you who have sent e-mails of encouragement, worked hard in your communities to gather support, and who came to the Capitol with your containers!

**Lead sponsors Delegate Bobbie Warner and Senator Brooks McCabe**, along with many of their colleagues, submitted bottle bill petitions and resolutions of support on Deposit Day on the House and Senate floors. All combined, we definitely met our goal of raising awareness of the issue. **And we will keep at it and continue to reach more and more supporters!**

P.S. We hope to include some pictures of the day in future *Eyes* and on the website, [www.wvbottlebill.org](http://www.wvbottlebill.org), soon!

# Tune In

To listen to internet streaming of "Head-On With Bob Kincaid" go to [www.wvnrnewstalk620.com](http://www.wvnrnewstalk620.com). The site is still under construction, but there IS a clickable link to the live audio stream. Please check out this friendly place where you can talk about the issues that matter here in West Virginia.

## Stand Up to the NRA

Please click on [www.StoptheNRA.com](http://www.StoptheNRA.com) and sign a petition to be delivered to the U.S. Senate before its March 3 vote on a bill giving sweeping legal immunity to gun makers and dealers who supply the illegal markets and refuse to build childproof guns. Bull's Eye Shooter Supply, where the D.C. snipers got their rifle, will be let off the hook if this NRA-written bill gets approved. If it passes, it would reward bad dealers for negligence that puts guns in criminals' hands.

## Board Makes First Round of Endorsement for May Primary

At its meeting this week, the WV-CAG Board of Directors voted to endorse three Democrats and one Republican for statewide offices. Endorsements for candidates for Congress and the State Legislature will be decided after the Legislative Session.

Supreme Court of Appeals: Judge Warren McGraw  
Democrat for Governor: Jim Lees  
Republican for Governor: Richie Robb  
Secretary of State: Ken Hechler

***"Your food stamps will be stopped effective March 1992 because we received notice that you passed away. May God bless you. You may reapply if there is a change in your circumstances."  
Department of Social Services, Greenville, South Carolina***

# The Eyes of Texas Are Upon Us

The West Virginia Legislature is in an unusual position this year. An innovative bill on prescription drugs has the rest of the country taking note. The Pharmaceutical Availability and Affordability Act (HB 4084) would create a state pharmaceutical commission, which would set drug prices for state agencies and possibly private businesses. The bill is modeled on the Federal Supply Schedule, which is estimated to be 42% less expensive than retail prices.

The bill overwhelmingly passed the House and the Senate is now debating it. So far the only credible opposition to the bill is -surprise! – the Drug companies. This Act was conceived by Speaker Bob Kiss. Legislators, drug industry officials and insurance companies across the country are closely watching its fate.

In a presentation to a joint Health and Human Resources Committee Thursday, Alan Sager, Director of Boston University's Health Reform Program, said, "Why should West Virginia have to act and take on the drug makers? Because you have the brains and the guts to do it and you are suffering more from high drug costs than are most other states." We at WV-CAG are hoping that for once, reason and logic prevail at the Capitol. Wouldn't be wonderful if West Virginia led the nation in a positive category for a change?

## **A FEW PRESCRIPTION DRUG FACTS:**

- The U.S. spends 4 times more on health care than it does on defense. In 1970 it was an equal amount.
- West Virginians averaged 15 prescriptions per person in 2002. The national average was 10.6.
- The Pharmaceutical Industry has been the most profitable of all industries for the past 8 years.
- Spending on prescription drugs in the U.S. has doubled every 5 years since 1994.
- Drug companies' research and development employment fell 2% between 1995 and 2000. Their marketing employment rose 59%.
- Estimated annual savings to West Virginians on brand name prescription drugs if the Availability and Affordability Act passes: \$534 million.
- Some things are absolutely no-brainers.

# CLEAN ELECTIONS TALKING POINTS

**The time has come! The vote is Monday in the Senate!** Use the following as a guide with what to say when you contact your Senators on Clean Elections. **Please call them NOW (see front page article), as the vote is on Monday and they won't have time to get a letter from you.** Direct phone numbers are listed on page one of this newsletter or you can call toll-free at 1-877-565-3447 and ask to be connected to the Senator you want to talk to. If you need help figuring out what to say, give us a call at 346-5891. **Thank you!**

√ As a taxpayer and voter, I see public financing as an investment in democracy. This voluntary system would provide a candidate public funding through collecting many small qualifying contributions from registered voters within his/her district. This system has been successful in Maine and Arizona, where it was implemented at a modest cost to taxpayers – less than \$1 per resident.

√ 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.

## Two More Eyes To Go!

Please support our work at the Capitol! Now is a great time to renew your membership or send in a little something extra. 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: \_\_\_\_\_

# 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 information for your delegation. It couldn't be easier!**

## Insurance Problem Hotline: 1-866-WVB-FAIR

It's not too late to call in with your insurance problems - cancellation of policies, unfair rate inflation and more. We'll take down your information and help you file a report.

*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!*