



# Capital Eye

Volume 3, Issue 8

March 5, 2004

## The Week That Was & the Week To Be

*by Norm Steenstra, norm@wvcag.org*

What a difference a week makes. Last Friday we whined to you about all of the many bills we were following, and now we are down to trying to kill some really lousy environmental bills and helping to ensure the passage of the two major ones: Water Quantity and Prescription Affordability.

As you probably know, the Clean Elections Act and the Bottle Bill died in committee. Also the various "insurance" bills (both the good and the bad) suffered the same fate. A particularly bitter pill was the loss of the Prescription Fairness bill that would have required insurance companies to pay for contraceptives. In reality Prescription Fairness did not pass the full house because of threats by some of its Republican members to amend anti-abortion provisions into the bill. It certainly is an irony that anti-abortionists killed a bill that would have paid for the means to reduce unwanted pregnancies.

The two real visionary and decent pieces of legislation that the legislature could yet pass are the Prescription Affordability bill and the Water Quantity bill. Both are currently hostages of the bizarre politics that exist between the House and the Senate. The innovative Prescription bill passed the House early in the session. Likewise the Senate passed Water Quantity and sent it to the House for consideration. In return, this week the Senate Health and Human Resources Committee passed a meaningless prescription bill and the House is likely to dilute the water bill next week.

It is quite discouraging to watch "democracy" in action as special interests get in the way of good, sane public policy. Watch for the governor to get into the fray this coming week and try and bring some third party sanity to the legislature.

**Please see page 6 to check on the status of other bills.....**

# Fiends Of Coal

*by Norm Steenstra, norm@wvcag.org*

On Thursday perhaps as many as 1,000 coal company employees and their families descended on the Capitol to complain about the raw deals that the coal industry is getting from state government. A huge Charleston fire department hook and ladder was required to affix a large flag and banner to the Capitol. Tons of neat "Friends of Coal" t-shirts, hats, and tote bags were given away to the fiends. Bush-Cheney bumper stickers were almost as numerous as the coal paraphernalia. To those of us that see first-hand the direct and indirect effects that the coal industry has on our political process, the display was indeed humbling.

So what has "poor" coal done to us in the past week or so? A few things come to mind. They railroaded a bill through the Senate that strips the only good provisions from last year's awful overweight coal truck bill. They created another bill that gives huge tax breaks on "thin seams" (read mountaintop removal). They pushed a bill through the Senate that, in effect, has the coal industry lawyers and lobbyists setting the water quality standards for the state.

I sound like a broken record but not enough people have a real appreciation for the incredible and self-serving power of Coal.

## Public-Private Transportation Still Rolling

*by Gary Zuckett, garyz@wvcag.org*

SB 221 motored across to House Finance this week. It's still the bad bill that would begin the privatization of our highway department, encumber millions of dollars of our highway budget in long-term debt for toll roads and bridges. It could be used to build bridges to Casinos and King Koal Highways to make it more profitable to decapitate mountains, haul out the coal, and (if the new mega-landfill in McDowell Co is approved) return with trucks full of trash. House Finance Chair, Harold Michael, is said to not like this bill. Call him and others on the Committee and ask them to "just say no" to this bad public policy.

# Thanks!

We are using this final issue of the *Capital Eye* for the session to deliver some well-deserved thanks to many folks. You will see this in a couple of other places in this newsletter. The WV-CAG staff and board would like to send a special thank you to the staff at the Phillips Group. Every week they print our address pages so that we can take advantage of very low nonprofit postage rates. This donation of their time, energy, paper and kindness allows us to send the *Capital Eye* out to more people and to save precious resources.

**Thanks to Laura and Alan at the Phillips Group!**

## Consumer Bills in Crossfire

*by Gary Zuckett, garyz@wvcag.org*

Although this Wednesday's deadline to pass bills to the other body is passed, there are still insurance bills to watch and wonder what's going on. Senate Finance still has the Insurance Fraud Bill (HB4004) on hold. This could become a vehicle for amending a number of issues into before sending back to the House.

As you may recall, this bill came out of House Judiciary at first with an expanded Insurance Advocate and prohibition on credit scoring – two important consumer issues. SB 468, that would allow insurers to drop auto insurance policies for no reason, “died” in Finance but could also be resurrected into 4004. This is where the real “sausage making” begins.

Intense negotiations are on-going between consumer and industry reps but common ground is in short supply.

Contact Walt Helmick, Chair of Senate Finance & committee members and ask them to broaden the scope of the existing Consumer Advocate by taking away the restriction of just dealing with health insurance. Ask them to protect consumers from Big Insurance by keeping “third party bad faith” language in our laws and preventing them from dropping policyholders for no reason.

# Clean Elections Act Stalls; Resolution for Further Study Likely

At press time last Friday the House Judiciary Committee was taking up the Clean Elections Act (HB4260). Discussion on the bill was halted after Delegate Lidella Hrutkay offered an amendment to strike out the requirement that non-participating candidates report excess expenditures. Under the bill, Clean Elections candidates can receive matching funds when outspent by a non-participating opponent. Before a vote on the Hrutkay's motion, Delegate Barbara Fleischauer asked that the bill be held over until Monday in order to work out a compromise amendment. Her request was granted and we were grateful for the delay because Hrutkay's motion may have passed and several of our supporters on the committee were absent, including three members of the subcommittee that recommended the bill. In the end we were disappointed, when prior to Monday's meeting, Chairman Jon Amores and Delegate Fleischauer decided it was better not to pursue the bill this late in the session since it was not likely to be passed by the full legislature this year. Delegate Amores has agreed to introduce a resolution for an interim study by a committee that would include member of both the House and Senate Judiciary and Finance Committees.

Please thank Subcommittee Chair Delegate Fleischauer and Subcommittee members Delegates Brown, Craig, Ellem and Webster for their work, and Delegate Amores for his continued commitment to Clean Elections.

Although we did not get a vote in the House Judiciary Committee, and the Senate Finance Committee did not put Clean Elections on its agenda, we are extremely pleased with the progress made this session. **Our success would not have been possible without your calls, e-mails and letters! Thank you!** Thanks and recognition also go to Citizens for Clean Elections (CFCE) Coordinator and OVEC Co-Director Janet Fout, CFCE lobbyist Si Galperin and all of the CFCE coalition partners who have lent their support to our legislative efforts including (but not limited to) the WV Environmental Council lobby team, Susan Sobkoviak with the National Association of Social Workers-WV, Dennis Sparks and Carol Warren with the WV Council of Churches and Carl Shaw with WV Common Cause.

# Weakened Coal Truck Bill Passes

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

We had a near victory on Tuesday, when the Senate came within one vote of defeating legislation that will weaken the reporting requirements for coal trucks. SB 673 was narrowly passed by a 17 to 16 vote, with 1 absent. Voting for the measure were Senators Boley, Deem, Facemyer, Fanning, Guills, Harrison, Helmick, Love, McCabe, Minard, Minear, Ross, Sharpe, Snyder, Sprouse, Tomblin and Weeks. **Senators Bowman, Caldwell, Chafin, Dempsey, Edgell, Hunter, Jenkins, Kessler, McKenzie, Oliverio, Plymale, Prezioso, Rowe, Smith, Unger and White voted against the bill. Please thank these Senators for voting to keep the coal industry accountable.**

In the House, SB 673 has been assigned to the Finance Committee. We're unaware of any fiscal implications this legislation would have on the state, so we suspect that this assignment was an attempt by House leadership to try to silence Delegate Mike Caputo who serves on the House Judiciary Committee. We have already called for a public hearing on this and a handful of other coal friendly bills that passed the Senate this week, so check your e-mail for updates and action alerts.

## Attack on AG Partially Thwarted

Two bills aimed at the Attorney General tried to pass out of the House on Wednesday. Both should have died, but one, HB 4660, is alive in Senate Judiciary. It would make it impossible for the Attorney General's office to participate in multi-state cases (tobacco, Rx drugs, asbestos, whatever). It also ties the AG's hands on settlement of existing cases and prohibits them from settling for more than the actual amount of claims and expenses. This terrible anti-consumer bill would keep the office from effectively doing its job protecting the state's citizens from criminal corporations. State AFL-CIO reps reminded Delegates before the final House vote, "The AG's office is the best economic development program for citizen's of the state. The budget is being balanced using tobacco settlement money won by this office."

Contact Jeff Kessler, Senate Judiciary Chair and his committee members and ask them to vote no on HB 4660.

# Bill Status:

## Bills We Support:

Water Quantity (SB 163)	Passed Senate/In House Jud
Clean Elections (SB 270)	Died in Senate Finance
Clean Elections (HB 4260)	Died in House Jud
Pharmaceutical Affordability (HB 4084)	Gutted by Senate Health
Prescription Fairness (HB 4420/SB 494)	Died in the House & Senate
Insurance Advocate (SB 544)	Died in Sen Banking
Insurance Roll Back (HB 4579)	Passed House
Bottle Bill (SB 293/HB 4147)	Died in Senate & House
Banning Payday Lending (SB98/HB/2222/HB4261)	Died

## Bills We Oppose:

Water Quality (HB 4193)	Passed both Houses/On To Gov
EQB (SB 724/HB 2717)	In House Judiciary
Coal Trucks (SB 673)	Passed Senate/In House Finance
Public/Private Transportation(SB 221)	Passed Senate/In House Finance
Auto Insurance Cancellation (SB 468)	Died In Senate Finance
Fill Bill (SB 728)	Passed Senate/In House Jud
Tax on Thin Seam Coal (SB 678)	Passed Senate/In House Finance
Mega Landfills (HB 4462)	Died in House Judiciary
Constit. Amend to move state agencies	Died

## Compromise Bills:

ATV Safety (SB 4022)	Passed both Houses/On to Gov.
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## Working To Kill the EQB Bill (SB724)

We are working with the WV Environmental Council and other groups to defeat the terrible EQB bill. The bill would strip away the power of the Board to set water quality standards and give it to the politics dominated Department of Environmental Protection. In essence instead of scientists setting water quality standards they would be set by permit technicians and engineers whose motive is to grant permits to polluters. We are hoping the Governor will step in and help to defeat this coal-backed bill. **There will be a public hearing on Monday morning at 9 AM in the House Chamber. Please come if you can.** We'll have talking points available if you would like to speak!

# Last Eye of the Session!



**We know you've been meaning to send in that check!** Take a moment to renew your membership or send in an extra donation little something extra to help get us through the Session. Please clip and mail to 1500 Dixie St., Charleston, WV 25311:

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

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

City/State: \_\_\_\_\_

Here's my donation of \_\_\_\$15 \_\_\_ \$25 \_\_\_\$50 \_\_\_\$100 \_\_\_Other

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

## Advertize the Bottle Bill

Help us reach more people about the benefits of a West Virginia Bottle Bill by putting one of our new bumper stickers on your car (or truck or bike)! The bumper sticker includes our website address, [www.wvbottlebill.org](http://www.wvbottlebill.org), where folks can go to learn more. Give us a call at 346-5891 or email [linda@wvcag.org](mailto:linda@wvcag.org) to get yours today!

# Tireless Volunteyars

We wouldn't have been able to get this newsletter to you without the help of our tireless volunteers! Compensated with just the entertainment of watching the copier jam or the toner clog or the staff stress out, these folks came through for us for the last eight weeks! All of us at WV-CAG would like to thank: Jeff Bricker, Hedda Hanning, Bill Harrington, Ken Hechler, Josh Mallet, Marge Michau, Becky Steele, Annagayle Stevens, Kathryn Stone, Craig Wanless, and Sandy Wanless. We'd also like to thank Tim Dent for his behind-the-scenes help in getting our membership databases together!

*I have learned that to be with those that I like is enough.*

*- Walt Whitman*

***And, Because There Is No Shortage of Presidential Pearls of Wisdom....***

*It's no exaggeration to say that the undecideds could go one way or another. —George W. Bush*



# Events/Calendar:

**March 13:** Legislative Session ends at midnight.

**April 23:** WV-CAG Annual Fundraiser at Coonskin Park Club-house. Come celebrate our 30th Anniversary! Great food, award presentations, speakers, silent auction and much more. More details to come!

**May 11:** Primary Election - VOTE!

## Contact Your Legislators/Governor

Governor Wise: 1-888-438-2731

Senators & Delegates: 1-877-565-3447

Or, 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 of your district? We've made it easy for you! Log on to [www.wvcag.org](http://www.wvcag.org), type in your zip code and get all the contact information for your delegation.**

## Insurance Problem? We can help! Call us at 1-866-WVB-FAIR

*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!*