



Capital Eye

Volume 3, Issue 9

April 2004

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WV-CAG Celebrates 30 Years - Join Us April 23!

2004 Primary Endorsements - Vote on May 11!

We'll (Try To) Make Sense of the 2004 Legislative Session

Thirty Years of Annoying Government

Walk back in time to 1974. The Vietnam War was "winding down." Citizen Activism on the war, Civil Rights and Women's Rights had established a new political energy. Watergate and the first Earth Day were fresh in the nation's consciousness. Locally, a small group of progressives formed a new organization dedicated to effecting positive change in West Virginia.

Amazingly we are still here! Through feast and famine, friendly and unfriendly climes, seven presidents and five governors, we remain an important and credible voice in West Virginia politics.

Ironically, the Bush Administration is proposing new federal rules that, if adopted, would severely curtail non-profit groups like WV-CAG from participating in electoral politics and issue advocacy. These rules are aimed at WV-CAG's very "raison d'etre."

Anniversaries are naturally a time to reflect on what has been accomplished, a reminder of issues won and lost. On this 30th anniversary, we are compiling 30 of our top accomplishments ~ WV-CAG-led campaigns that helped make a difference in the political process and environmental, social and consumer justice over the years. We'd love to hear from you as to what you consider to be WV-CAG highlights and would love any short testimonials or words of encouragement to include in our Anniversary program.

Treat yourself. Set aside Friday evening April 23rd for a great evening with the "CAG Family." Enjoy a unique buffet meal and reconnect with people who share your values, outrage and vision of a better West Virginia.

“Tort Reformers” Blocked in ‘04

by Gary Zuckett, garyz@wvcag.org

Compared to last session, this was a good one for the civil justice system. Last year, when the “white coats” stormed the Capitol, severe restrictions were placed upon compensation for victims of medical malpractice making it harder to even get a case into court.

This year it was the insurance industry and their enablers in the Insurance Commission who went after “insurance reform” as a part of the “tort reform” agenda. However, they failed again to obtain their grand prize – elimination of “third party bad faith” and “joint & several liability.”

These are both in current law for a reason – they support and protect the consumer and injured victims when they are up against bad actors in the insurance and other industries.

“Third party bad faith” allows insurance companies to be sued if they negotiate in bad faith (such as stalling a settlement owed to a homeowner over a house fire so they will settle for a lesser amount out of frustration or dire need to get back into their home). Examples of this unethical and possibly criminal treatment of policyholders are too common.

“Joint & several liability” means that a victim can collect awarded damages from any one of the parties responsible for his or her injuries. This can often mean the difference between receiving the full compensation the court awarded and getting nothing.

The governor’s insurance fraud bill did pass. It set up an investigative unit to protect insurance companies from consumer fraud. However, it does little to protect the consumer from unethical insurance reps falsely using the threat of a fraud investigation to force an unfair insurance settlement upon a policyholder. In addition, language was amended into it to allow companies to drop a certain percentage of policy holders for any reason. It also requires the Insurance Commission to study “Third Party Bad Faith” and expand the Insurance Consumer Advocate’s office.

The legislature, too, will be studying credit scoring (using consumers’ credit reports to set insurance premiums) and other insurance issues during its monthly interim sessions throughout the year. Look for reports on these in future newsletters.

Insurance Problem Hotline ~ 1-866-WVB-FAIR

Legislative Wrap-Up

by Gary Zuckett, garyz@wvcag.org

The session's final minutes are always tense and suspenseful. Which bills will slink in under the wire to become laws? Which will die as the clock strikes midnight and, poof, like Cinderella, legislators turn into civilians again losing their power to pass legislation?

Saturday night's drama centered around bills we followed throughout the session such as the one (SB724) turning the Environmental Quality Board's (EQB) rule-making over to DEP, essentially taking this rule making authority away from science and into the hands of the permittees & polluters— very bad public policy.

From the Senate gallery we watched as the clock ticked closer to midnight and bills came from the House (literally via runners in tennis shoes dashing along a cordoned-off track between the House and Senate). We listened as they received and passed bills in the 500's, then 600's. The last bill to pass was SB700. Then the gavel went down closing the session before SB 724 was voted on.

Phew, talk about a cliffhanger! Don Garvin, the E-Council's lead lobbyist, gave a whoop of celebration heard by all as we breathed a sigh of relief and appreciation for this gift from Father Time...

Bills we supported:

Water Quantity bill (SB163) passed midday on Saturday!
Clean Elections (see page 5)
Rx Availability bill (HB4084) passed in fairly decent shape!
Insurance Rate Roll-Back died in Senate
The Racial Profiling Bill passed!

Bills we opposed:

Coal Truck Rules (SB673) passed. Coal tweaks its own law.
Public Private Transportation Act died in committee.
Another Tax break (SB678) on thin-seam coal passed

The (needed) Insurance Fraud bill passed, but with language to allow insurers more flexibility to drop policyholders (SB468 amended into it), including a provision to drop 1% for any reason.

In all 280 bills were passed by the 2004 legislature. Unless the governor vetoes them by April 7, they all become law. For the official list of bills passed see http://129.71.164.29/bill_status/2004sql/all_pass_both.cfm

Bottle Bill Summit Meeting II

On Saturday, April 17, West Virginia Bottle Bill supporters will meet in Parkersburg to discuss plans for the upcoming year. This meeting is a follow-up to the December meeting that was held in Flatwoods and to the Legislative Session lobbying efforts. We hope you can attend!

Where: Room 2536 on the WVU-Parkersburg campus.

When: 4:00 to 6:00 PM (dinner provided)

(Directions to WVUP: Depart I-77 at Exit 174 (Staunton Ave. Exit) and proceed east on SR-47 for about 1 mile to the first stoplight. There is a big WVU-P sign at this intersection and the main building is to the right. Go to the entrance at the far east end of the building. This is in a newer part of the building and sets back from the two entrances on the very front. We will post signs on the doors with directions to Room 2536.)

From 9:00 AM to 2:00 PM that day, students and staff from WVU-Parkersburg will hold **Deposit Day** at the Erickson All-Sports facility in South Parkersburg. Please come and help out! Volunteers will “refund” 10-cents for containers that are turned in to their booth to show how a Bottle Bill could work in West Virginia!

(Directions to Erickson All-Sports facility: Depart I-77 (from North or South) at Exit 173 (Camden Ave. exit) and proceed west on SR95. (If coming from the South, you will turn left under the interstate. From the North, you will exit directly onto this road going west.) Proceed to the first stoplight (less than 1/2 mile) and turn right. You will then almost immediately turn left onto Camden Ave. (or old Camden Ave.). This street parallels SR95 and almost looks like a service road. There is a sign there with an arrow to the facility. Proceed a few hundred yards to the entrance to the facility. (There will be another sign). You will see the football stadium off to the right of Camden Ave. back from the road a distance. We will be set up somewhere in the parking lot.)

For more information on either event, contact Linda at 346-5891 or linda@wvcag.org. We hope to see you in Parkersburg on April 17!

Check out the new bottle bill bumper sticker at www.wvbottlebill.org - to get one (or more!), contact Linda (see info above) and we'll mail it to you!

Plans for Clean Elections Resolution

by Julie Archer, julie@wvcag.org

Although we did not get the Clean Elections Act passed this session, we are getting closer to making the option of public financing available to candidates in the Mountain State. With your help we had some victories during both the 2003 interims and the regular session, and we are optimistic that Clean Elections will be the subject of further study during the upcoming interims.

On the last night of the session the House passed House Concurrent Resolution 87, requesting the Joint Committee on Government and Finance to direct the Judiciary and Finance Committees to study the projected costs and sources of revenue that could be made available to support a system of public financing. Unfortunately, the resolution was not reported to the Senate in time for its consideration. Even though the resolution did not pass the full legislature, we hope that with the encouragement of some of the bill's sponsors the Joint Committee will consider and approve the study at its next meeting.

Members of the House and Senate Judiciary Committees have examined many of the policy issues involved with implementing a system of public financing, however, further study of the projected costs and potential sources of funding is needed to continue to move this much-needed reform forward. Should the Joint Committee reject the study, we will continue to work with our supporters in the legislature and have the Clean Elections Act reintroduced next year.

In the meantime Citizens for Clean Elections will be continuing its public education campaign. **You can help by hosting or organizing a Clean Elections presentation in your hometown.** Speakers are available. For more information contact Janet Fout at 304-522-0246 or ohvec@ezwv.com.

You can also visit our website for more ways you can support our efforts to clean up elections in West Virginia, AND, you can attend the.....

Next Citizens for Clean Elections Meeting:

Monday, April 12th

10:30 AM

ACT Foundation Building, 600 Leon Sullivan Way
(near the Capital Market)

Dear Loyal *Eye* Readers:

Last year's April issue was, in fact, an April Fool's newsletter (we hope you noticed). We hope we have not disappointed you this year by depriving you of our wittiness and sarcastic parody of today's important issues but, alas, this is just a "regular" *Eye*. For a healthy dose of April Foolishness, please pick up this month's Graffiti or click on <http://grafwv.com/>. Check out articles from WV-CAG's own Gary Zuckett and Norm Steenstra.

Belated Thank You

When you work efficiently and silently behind the scenes, sometimes people take you for granted. And that's just what we did when we were thanking all the folks who helped get us through Legislative Session 2004. We neglected to thank our fearless and tireless webmaster, Don Alexander. Thanks to Don, the *Capital Eye* appeared each Friday night during the session on our website and in your e-mail boxes, our website was updated with action alerts, and much more ~ all seamlessly! So, Don, thanks to you for all you do for us, not just during the crazy time of the session but throughout the year!

Renew your membership! Donate What You Can!

Please clip & mail to 1500 Dixie St., Charleston, WV 25311:

Yes, I want to renew my membership! Enclosed please find:

\$15 \$25 \$50 \$100 \$ Other

Name: _____

Address: _____

Here's my donation of \$ _____

Send me action alerts at my e-mail: _____

THANK YOU!

Endorsements Set WV-CAG Apart From Other Non-Profits

by Norm Steenstra, norm@wvcag.org

Once again, the WV-CAG Board of Directors has made its endorsements for state offices. Most non-profits do not make candidate endorsements and therefore are eligible for tax-deductible contributions and foundation grants. Thirty years ago WV-CAG founders decided to endorse candidates, believing that promoting progressive candidates was vital to effecting change, even if it created chronic difficulties in fundraising.

Please take a look at this year's primary endorsement insert. Unlike many labor and professional organizations our choices are never based on who we think will be the likely winner, but on who best exemplifies the character and values that we demand of our political leaders. This year's list includes incumbents, political new-comers and some former office holders re-entering the arena. There are conservatives, progressives, Democrats (and even a few Republicans), "pro-life" and "pro-choice." We even endorsed a few candidates who we know little about but, by default, must be an improvement over the incumbent.

For the last eight years the state legislature has become increasingly "WV-CAG unfriendly." This year, House of Delegate races are of particular importance because there will be a change in leadership within the next two years. Electing good delegates to the House this year will lay the foundation for a possible election of a progressive House Speaker in 2006.

If you have any comments or would like further information on our endorsements please contact me at norm@wvcag.org or 346-5891.

West Virginia Citizen Action Group (WV-CAG) publishes Capital Eye during the Legislative Session and throughout the year. 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!