



Capital Eye

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Manchin Opens Regular Session on a High Note

One would think that after 10 days of a Special Session and Interim meetings, the opening of the Regular Session would be rather anti-climactic. Not! Joe Manchin's first State of the State address had a little something for everybody and, while lacking in details, was inspiring to even the most jaded of cynics (like us).

Manchin's ambitious agenda and infectious drive will most likely result in a very, very busy Regular Session. WV-CAG staff will not only be dealing with the good, the bad and the ugly bills introduced by the governor and others, but will have a full plate of WV-CAG priority bills to shepherd through the process. The Bottle Bill, Clean Elections, Ethics and the Creation of a Consumer Advocate office within the Insurance Commission are our top priorities this year. See inside for more detailed explanations of our plans and priorities.

All this is going on and Bush decides to privatize Social Security! WV-CAG is creating a coalition of citizen groups to support Senator Byrd's efforts to defeat the president's proposal. It is critical that your Congressional Delegation hear from you, otherwise the president will think he has a "mandate" on this issue.

By the way, last week we launched our 4th year of the *Capital Eye*, designed to quickly communicate to you what's happening at the Capitol. During the session, we try to publish it on Friday afternoon so that most of you have it in your mailbox on Saturday.

The *Eye* is about speed, not meaty dissertations, so call us for any background you need on the issues. Your input on how we can better serve our membership is critical to how we make decisions on what issues to advocate (or lobby against).

So join us for the next two months of legislative surprises, sausage-making and victories!

Ethics Alert

The governor's Ethics Bill (HB 2194) was introduced but needs tweaking since it still does not address the Ross and Mezzatesta abuses so recently in the news. Delegate Mezzatesta was the leading advocate for gambling expansion and, unbeknownst to most, his wife owned a "gray machine" company. The bill needs to require legislators to reveal potential conflicts of interests by disclosing their spouses' occupations.

We are also trying to require that legislators list all investment real estate that they own. Remember, former Senator Ross had an \$8 million investment in a golf course, as well as owning 100 acres of prime real estate near the course. Ross steered more than \$800,000 of taxpayer dollars to sponsor a golf tournament that benefited his investment.

Please contact House Judiciary members and ask them to include "spousal disclosure" and "real estate disclosure" in HB 2194. Remind them that almost every other state's legislators have to make these disclosures. So why shouldn't our legislators? A significant number of calls can make the difference!! Check out the inserts for names and numbers.

Did You Know? *On Earth Day 1990 Delegate David Grubb, WV-CAG Founder, read Dr. Suess's The Lorax to the entire House of Delegates? Most of them didn't get it!*

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!

Civil Justice Under Fire in Both Charleston and Washington

by Gary Zuckett, garyz@wvcag.org

Scofflaw corporations are continuing their assault on our courts. Emboldened by their election victory over a pro-consumer WV Supreme Court justice, pressure continues to undermine our access to the courts when victimized by negligent companies.

In the state legislature, both “third party bad faith” and “joint and several liability” are being attacked. Third party bad faith is just what it says, when an insurance company jerks you around instead of paying a settlement on a valid claim, they can be sued for negotiating in bad faith. Jane Cline, the WV Insurance Apologist (oops! -- I mean Commissioner), issued a report to the legislature saying consumers’ lawyers shouldn’t do this. Consumers should instead file a complaint with her office. Considering their track record of never seeing a premium increase they didn’t like, this is a terrible suggestion. It would merely embolden the already rapacious tactics of the industry.

Joint and several liability is the protection that helps make sure an injured party gets compensation for an accident or other injury if the primary party responsible is unable to pay up. In that case, secondary parties are tapped until full restitution is made. For example, say a driver who runs into your car because his brakes failed has no insurance. Under joint and several liability the court can order the car dealer that installed the faulty brakes to pay up the full amount you are due. Without this protection you’re left with a wrecked car and maybe big hospital bills and no one to turn to for justice.

Neither of these have bill numbers yet, but both will rear their ugly heads soon - so be ready.

In Washington, the US Senate voted this week to limit multi-state class action lawsuits, putting the interests of large corporate wrongdoers ahead of average, working Americans. Senator Byrd voted with the consumers. Senator Rockefeller voted on the side of corporations who produce faulty products, killer prescription drugs, discriminate against blacks and female workers, and so forth. Please contact our US Senators, thanking one and politely scolding the other.

For more info, see our Victims’ Rights section on our website at www.wvcag.org.

2005 Bottle Bill Introduced on Day One

by Linda Mallet, linda@wvcag.org

The 2005 Bottle Bill, SB 58, was introduced on the session's first day and is sponsored by Senators McCabe (D-Kanawha), Unger (D-Berkeley), Foster (D-Kanawha) and Barnes (R-Randolph). We expect the House version to be introduced next week with Delegate John Doyle as the lead sponsor. Calls of thanks to these sponsors from you would be most appreciated!

The bill is double-referenced to Senate Judiciary and Finance. Senate Judiciary Chair Jeff Kessler has expressed tepid interest in putting the bill on his committee's agenda. Calls from you asking him to do so would go a long way (see insert for contact info).

Please contact your legislators and ask them to support this year's bill. Tell them that it would create hundreds of West Virginia jobs by taking the retailers and bottlers out of the loop and replacing them with independent redemption centers. It would also help the state cut down on the millions it spends on litter clean-up each year, more than double our recycling rates of beverage containers, reduce the strain on our landfills, and clean up our streams and highways! West Virginia would need over 100 new or expanded recycling businesses to handle the 700 million containers we would redeem.

Thanks for all you do and for helping us get a Bottle Bill passed this year!

Did You Know? *Hawaii became the 11th Bottle Bill state when it implemented its bill this earlier this year.*

Rx Litigation Needs Consumers

Using anti-trust and racketeering laws, the Prescription Access Litigation Project, www.prescriptionaccesslitigation.org, has returned millions of dollars to consumers who paid illegally inflated prices for drugs. WV-CAG has been a member of this national coalition since its inception in 2001.

Now we need to locate a member who has paid out-of-pocket costs for Neurontin, an anti-convulsant commonly prescribed for epilepsy. If you or anyone in your family has taken this drug from January 18, 2000 to the present, contact us right away at 304-346-5891 or toll-free at 1-866-WVB-FAIR.

Clean Elections Pilot Project on Track

by Julie Archer, julie@wvcag.org

Last week we asked you to contact members of the Select Committee on Campaign Finance Reform to express your support for two proposals that would help make elections fair and clean in West Virginia. We're happy to report that the committee unanimously recommended a bill to establish a "clean elections" pilot project. The project would provide full public financing to legislative candidates in two Senate races and three House races in single member districts, as selected by the state Elections Commission from districts where the incumbent volunteers to participate or from open seats. This voluntary, "voter-owned" system is the first step toward making this alternative source of funding available to all candidates for elected office in West Virginia.

The interim committee also recommended legislation which would make statewide and legislative elections comply with the federal Bipartisan Campaign Reform Act or McCain-Feingold law which prohibits the use of "soft-money" in election-related communications. The bill that would require greater disclosure of contributors to 527 groups, like 'And for the Sake of the Kids,' and limit the amount an individual, political committee or political party could contribute to such groups.

Select Committee Members should be commended for their efforts to protect our democratic process from the undue influence of special interests and help candidates and those who want to be involved in politics to have a level playing field. If you wish to thank committee members, those present for Monday's vote are: Senators Chafin, Hunter and Oliverio; and Delegates Ennis, Caputo, Doyle, Lane, Mahan and Pethtel.

Thanks to all of you who made calls and sent e-mails or letters. We couldn't have done it without you! Over the next eight weeks we'll keep you up to date as these two bills make their way through the regular session.

Did You Know? *In Maine, 83% of the state Senate and 77% of the House are legislators who ran under that state's Clean Election law. Now there's a successful "pilot project!"*

Social Security: It Ain't Broke So Don't Fix It

by Gary Zuckett, garyz@wvcag.org

From the folks who brought you phony weapons of mass destruction comes the Social Security (SS) non-crisis. Yes, it's comical but they are dead serious about killing Social Security to fix it. Using scare tactics and misinformation, the administration and the Wall Street gang who are set to make a killing on this privatization scheme are poised to launch a multimillion dollar media campaign to convince lawmakers and the public that SS must be dismantled to be saved.

What's the problem? Somewhere in the middle of this century, SS will begin to pay out more than it takes in. This could be fixed in two simple ways: Roll back the trillion-dollar tax cut for the wealthy that Bush wants to make permanent, or simply increase the ceiling on contributions into the fund. Right now income over \$90,000 is not taxed for SS. Raising this ceiling to \$200,000 would cover any imagined future deficit.

Contact your Congressional delegation and ask them to leave SS alone or, if they must, fix it with one the above solutions. See our "contact your legislators" button at www.wvcag.org to find your representative or call Congress toll-free at 1-800-839-5276.



Announcements/Events

WVEC Legislative Blast OFF Party

When: Wed. Feb. 16th ...from 6:30 to 10:30 PM

Where: Perfater's Law Offices, 1311 Virginia St. East In Charleston Great entertainment by the Voo Doo Katz and the Black Eyed Susans. Great buffet with food from the SAHARA and home cooked goodies. \$15 suggested donation to fund the WVEC Lobby team.

Support "Child's Right to Nurse Act"

Please attend a Press Conference at 10:45-11:00 AM in the Lower Rotunda of the Capitol next Wednesday, February 16. This event is part of Children's Day at the Legislature. This bill encourages more women to breastfeed and will protect their right to do so in a public place. Thirty-seven states have enacted breastfeeding legislation, with several others states considering legislation. West Virginia has no laws regarding breastfeeding. You can also:

1. Sign an online petition and to join our supporters' database at www.mommasmilk.com
2. Write or call your local legislators.

We Need Your Support!

We can't do it without you - 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: _____