



# Capital Eye

VOLUME 4

NO. 8

March 18,

2005

## WV-CAG INTHIS ISSUE

Bad/Good Bills

Clean Elections

Lots 'o Updates

Session more  
than halfway  
over!!!!

“Given the high stakes involved — the future of our children & our grandchildren, not to mention the future of the planet as we inherited it — which approach are you willing to bet on?”

— U.S. Senator John McCain (R-Ariz.), arguing in February 2005 that the United States needs to abandon its halting approach to fighting global warming for more definitive action.

## Right to Life, Insurance Lead Legislature

Well, that about says it all for this week. The debate over the “Laci Peterson” bill and Governor Manchin’s wholesale sellout to the Insurance industry dominated, and pretty much ruined, our whole week. WARNING! If your personal value system or politics are anywhere to the left of Genghis Khan you will find this issue of *Eye* to be downright depressing.

Until now, we have held back from publicly criticizing the governor but here goes: the “third party bad faith” bill (surrendering the right to sue insurance companies) is Joe Manchin’s. Our new governor also became the first Democratic Governor in 100 years to say that he would sign a bill reinstating the death penalty. And, he’s poised to sign the Unborn Victims of Violence Act which, no matter how you feel about *Roe v. Wade*, was passed strictly for moral and religious reasons to define the beginning of life at conception. The House confirmed its intent by rejecting an amendment stating the bill was not passed for these reasons.

The already anemic (and almost meaningless) Ethics bill was further weakened this week. It seems legislators want to be able to regulate your behavior but resist all efforts at regulating their own. What started out as a strong bill in January’s special session is probably actually worse than what was then current law. The House this week stripped the Ethics Commission of its designated funding and now requires the Commission to come begging to the legislature for funding each year. Can you imagine that if the commission ever gets the guts to actually launch an investigation of legislators how much money they’re likely to receive the following year? The Bottle bill and the Clean Elections bill gather dust and now the Senate has OKed drilling in the Arctic Wildlife Refuge.

There are some positive things happening. Spring is days away and the legislature will be in town for only a few more weeks. For more negatives, though, turn the next page and enter our world.

published  
by West Virginia  
Citizen Action Group  
(WV-CAG)  
1500 Dixie Street  
Charleston WV  
25311

WV-CAG STAFF  
Norman Steenstra  
Gary Zuckett  
Linda Mallet  
Julie Archer  
Marge Michau

PUBLICATION DESIGN  
Damienne Dibble

**W V - C A G**

was founded in 1974  
as a non-profit  
membership  
organization  
dedicated to  
increasing citizen  
participation  
in economic and  
political decision-  
making.

Our members  
work for progressive  
changes in federal,  
state, and local policies  
by educating people  
about key public  
interest issues ranging  
from environmental  
protection and  
consumer rights to  
good government  
& health care reform.



**To become a  
member or to  
send comments  
and suggestions,  
visit**

**www.wvcag.org,  
call us at  
304-346-5891,  
or e-mail us at  
linda@wvcag.org**

# Finance Reforms Rest with Senate Judiciary

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

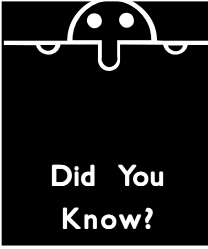
On Wednesday, Senate Judiciary took up SB 245, intended to reign in 527 groups like ‘And for the Sake of the Kids’ and ‘WV Consumers for Justice’ by regulating electioneering that masquerades as “issue advocacy” and requiring significant disclosure about its sponsors. These communications currently escape regulation by stopping short of expressly advocating a candidate’s election or defeat. The bill was sent to a subcommittee, but we hope it will reemerge next week.

Senator Frank Deem muddied the waters by complaining about newspaper ads being run by The Consumer Protection Alliance encouraging members of the public to contact their legislators to urge them to oppose a bill aimed at ending third party bad faith lawsuits. Such ads are not considered electioneering communications and are not regulated by the Secretary of State because of obvious free speech and constitutionality issues.

Senator Evan Jenkins stymied debate by honing in on an exemption in the bill for 501-c-4 tax exempt organizations. This exemption would directly apply to groups like WV-CAG, WVEC and some labor organizations that support the bill, however committee members were unaware that this exemption was included at the request of West Virginians for Life.

Senator Clark Barnes objected to the bill saying it would prevent groups from combining their resources to go up against those of a multi-millionaire. Senator Barnes’ objective may have been well intentioned, but, even under the best of circumstances, grassroots advocacy organizations, labor unions and others will never be able to compete with the financial resources of corporate executives who can afford to finance high dollar media campaigns.

The real kicker was when Senator Truman Chafin, a sponsor of the bill, told the committee that if they weren’t going to pass this bill they should remove all contribution limits and planned to offer an amendment to do just that. His justification is that it would level the playing field. Senator Chafin needs to hear that his amendment would do the opposite – eliminating contribution limits altogether would  
*(continued on page 3 - see Reform)*



## Did You Know?

Your calls are making a difference! As we talk to delegates about the Bottle Bill, they are telling us they are getting lots of calls of support on this issue, quite often from folks they haven't heard from before. Thanks for all you are doing! It makes our job easier. Keep those calls coming! Legislators can be reached toll-free: 1-877-565-3447

# Free Money!

by Linda Mallet, [linda@wvcag.org](mailto:linda@wvcag.org)

Start collecting those empty cans and bottles and we'll give you free money at our second annual Deposit Day, held in conjunction with the West Virginia Environmental Council's E-Day, Wednesday, March 30 from 10 AM to 2 PM in the upper rotunda at the state Capitol. Help us recreate last year's success when we collected about 1,000 containers an hour!

Help us show legislators how a Bottle Bill can work in West Virginia. For a few hours, we will set up our own redemption center in the Capitol halls and give you a dime for each container you bring in (please bring as many containers as you want but due to funding constraints we must limit our "refund" to \$5 a person).

Save time to visit the booths of environmental organizations from across the state and lobby your legislators. Need help finding your way around? We'll be glad to take you around.

Take time that evening to relax, unwind and mingle with like-minded folks at the WVEC's E~Day! Reception from 5:30 till 9:30 pm at Perfater Law Offices on Virginia St. in Charleston. WVEC will present environmental awards to its 2005 recipients who have inspired us with their outstanding work and commitment to protecting West Virginia's environment. Enjoy live music by Steve Himes.

Start hoarding those cans and bottles and we'll see you on March 30. For more info, call 346-5891, e-mail [linda@wvcag.org](mailto:linda@wvcag.org) or visit [www.wvbottlebill.org](http://www.wvbottlebill.org).

### *(Reform - continued from page 2)*

only give more power and influence to the wealthy.

Tell him and others committee members that if they are sincere about leveling the playing field, support SB 245, as well as SB 247, which would establish a pilot project to provide full public financing to legislative candidates in two Senate and three House races in single member districts. Both bills would help reform our electoral process and make West Virginia elections fair and clean. Time is running out! Bills must be out of committee in the House of origin next week. Call Senate Judiciary Committee members and urge their support today!

# Insurance's Extortion Bill Moves in Senate

by Gary Zuckett, [garyz@wvcaq.org](mailto:garyz@wvcaq.org)

On Thursday, Senate Judiciary held a public hearing on SB 418, the Third Party Bad Faith bill. The room was packed with insurance lobbyists and brokers trying to take away your right to sue insurance companies who negotiate in bad faith when settling a claim.

They so want to take away your civil right to a jury of your peers that they have resorted to a scheme of "promising" to

Senator Kessler, Senate Judiciary Chair, during this week's public hearing: "Lawmakers might as well rename the Capitol's buildings after insurance companies, like the Nationwide East Wing and the Allstate West Wing. We are selling our rights to a bunch of nameless, faceless folks walking around with bags of money. I'm opposed to selling our rights at any price."

WV is one of only seven states that still has this critical consumer protection and the insurance industry wants desperately to get rid of it so it can low-ball, delay and generally rip-off consumers seeking a settlement for car crashes, house fires, and all manner of insurance claims.

roll back rates to the tune of \$50 million. Nothing in writing mind you, just "trust us." Even if they do cough up a big one-time rate roll-back they know in the long run they'll be able to cash in when they can freely low-ball each settlement, garnering countless millions each year without fear of court awards to the consumers they cheat.

Judiciary Chair Jeff Kessler crafted a compromise that would have preserved your right to Third Party Bad Faith and in return gave ground on several other issues the insurance industry wanted "fixed." This compromise seemed like a winner until the governor got wind of it and showed up in the halls of the Senate Wing to convince key senators to kill Kessler's compromise and pass his original bill.

Other amendments to force insurance companies to open their books to prove their need for rate increases and their losses from lawsuits, and one to give the Insurance Commission power to actually force insurance companies to pay up on claims were also voted down after Insurance Commissioner Jane Cline said they weren't needed. She never seems to favor the consumer over the industry she is supposed to regulate. We need an Insurance Commissioner elected by the voters, not appointed by the governor. This bill will likely pass the Senate Finance Committee and head to the Senate

# VVPB Laws Gain Steam

by Julie Archer & Hedda Haning

Secretary of State Betty Ireland has announced her plan to help West Virginia counties become compliant with the Help America Vote Act (HAVA). We applaud her plan because it includes optical scan ballots which are their own voter-verifiable paper ballot (VVPB), and counties like Cabell and Marion that currently use electronic (touch screens) will be eligible for funding to retrofit their machines to provide VVPBs. This “carrot and stick” approach of providing counties with an optical scan system is a positive step toward insuring a valid voting process.

While funding will not be provided for electronic or touch screen voting systems lacking a VVPB, these systems are not specifically prohibited under the plan. Fortunately, HB 2950 & SB 477, which require a paper ballot for any electronic voting machine used in West Virginia, have steam in both the House and Senate.

House Judiciary Chairman Amores plans to incorporate the provisions of HB 2933, which would authorize the use of ballot marking devices, into HB 2950. He also plans to insert important language that would insure that the voter be able to view (or hear) the actual selections recorded on the paper copy and verify they are correct before the ballot is cast (unless you have paper ballots that have been verified and approved by voters, no meaningful audit can be done) and that elections conducted on electronic voting machines must be subject to random recounts in 5% of precincts, which is currently required of other systems under West Virginia law. In any recount the paper ballot would be the vote of record.

Senate Judiciary Chairman Kessler has also expressed interested in taking up SB 477 and SB 487 (companion to HB 2933). In addition we met with Senators Randy White and John Yoder, sponsors of SB 477, as well as Delegate Bob Ashley, lead sponsor of HB 2933 who were all very supportive of our efforts. Please thank them, the Judiciary chairmen and the other House and Senate sponsors (see last week's *EYE*) for their efforts to protect the integrity of elections in West Virginia.

## **Other actions you can take:**

Contact your County Clerk and County Commissioners and urge them to adopt the Secretary's plan. They will receive an optical scan system with central counter at **no cost**. Find contact info at: [www.wvsos.com/service/rosters/countyoffices.htm](http://www.wvsos.com/service/rosters/countyoffices.htm).

Also, please send a thank you commending Secretary Ireland for her HAVA plan:

The Honorable Betty Ireland  
WV Secretary of State  
Bldg 1, Suite 157K  
State Capitol Complex  
1900 Kanawha Blvd. East  
Charleston, WV 25305  
e-mail: [wvsos@wvsos.com](mailto:wvsos@wvsos.com)

# Announcement & Events

*Did you know that one of the most interesting silent auctions anywhere is at the WV-CAG Spring Dinner?*

*On Friday, April 29, come see our auction and join others in the progressive community for a great evening! If you have something to donate to the auction, that would make the evening even more interesting!*

*Call us at 346-5891 or e-mail [linda@wvcag.org](mailto:linda@wvcag.org). Plan to join us at the Coonskin Park Clubhouse next month ~ more details in next week's issue!*

## In a state addicted to gambling.....



# Good Bills/Bad Bills

It's that time of year - we are seeing lots of good bills get stuck in committee or referred to subcommittee. Next week is the last chance to get these bills out of committee if they have not already passed their house of origin. Your calls, as always, to your legislators are appreciated! This is just a sample (we promised to depress you in this issue!):

## Good Bills Stuck In Committee

HB 2450 - has passed House, now stuck in Senate - establishes a Child's Right To Nurse

SB 273 and HB 2330 - WV Bottle Bill - stuck in House and Senate Judiciary

SB 247 & HB 2486 - Clean Election Pilot Project - stuck in Senate and House Judiciary

SB 37 - Prescription Fairness - stuck in Senate Health

## Bad Bills That Need To Get Stuck

HB 456 and HB 2886 - Seller's Right To Cure. Strips consumer's right to sue when Seller has violated the West Virginia's Unfair and Deceptive Practices laws

SB 418 - the Third Party Bad Faith bill (see article on page 4)



**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.**

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

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

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

Please e-mail me action alerts to: \_\_\_\_\_

Clip and mail with your check to West Virginia Citizen Action Group,  
1500 Dixie St., Charleston, WV 25311