

People's Election Reform Coalition

Report on Tobacco and the 2003 Legislature

How the tobacco industry works to influence legislation in West Virginia

The tobacco industry has a single overriding goal:
Maintain profits by selling as much product as possible.

The industry uses a number of strategies and tactics to accomplish this, including:

- Advertising, marketing, and promotions that maintain the wholesale and retail tobacco business. This includes paying special attention to youth and young adults, women, and other groups that fit user profiles, such as having limited education and limited income.

- Political influence and lobbying focused mostly on the state legislature.

- Partnering with other businesses and organizations to spread influence while staying in the background. This serves to “legitimize” efforts such as opposition to indoor smoking bans, tobacco tax increases, etc.

It is in the interests of all West Virginians to reduce tobacco use in the most expedient way possible, due to the high rate of premature death and disability, and the high social and economic costs that tobacco use presents. These burdens are shared by everyone, from losing family members and friends, to the increased costs of health insurance and public deficits. The West Virginia Bureau for Public Health estimates that over 4000 West Virginians die each year from heart disease, cancer, respiratory and other diseases directly caused by smoking. Smoking-related health care costs in West Virginia exceed 800 million dollars per year, which inflates the expenditures for Medicaid, Medicare, Public Employees Insurance, and private health insurance premiums (see Tobacco is Killing and Costing Us, WV Bureau for Public Health, 2002).

This report focuses on the tobacco industry's political strategy and strives to reveal as much detail as possible on individual legislators' activities to reduce tobacco use in West Virginia.

The **People's Election Reform Coalition-WV (PERC-WV)** is a joint project of the Ohio Valley Environmental Coalition (OVEC) and West Virginia Citizen Research Group (WV-CRG).

Key to Information:
(See attached listing of legislators)

We used several types of information in this report:

Roll Call Votes on tobacco issues

Unfortunately, both the Senate and House avoid recorded roll call votes on most tobacco issues. The only exceptions we could find were in the House of Delegates on passage of the smokeless tobacco tax in 2000, and on a resolution to end smoking in the House vestibule, the main entranceway to the House chamber. These two votes are listed for those Delegates who were present in the 2000 legislative session.

Campaign contributions to House and Senate members

In its analysis of tobacco contributions to members of the West Virginia legislature, PERC-WV counted contributions from tobacco companies and their political action committees (PACs), as well as contributions from certain retail and wholesale trade organizations who sell tobacco, and from individual lobbyists who represent tobacco companies and their allies. This includes RJR PAC (R.J. Reynolds), Phil PAC (Phillip Morris), and US TEAM (U.S. Tobacco). PERC counted contributions from the West Virginia Wholesalers Association, the West Virginia Retailers Association and other organizations that have actively lobbied against tobacco taxes. PERC also counted contributions from tobacco lobbyists including John Hodges, Christina Bright, Steve Haid, Cody Starcher, Carole Fulks, and others who work directly for tobacco or who represent groups associated with tobacco interests.

Findings

There was a noticeable trend in the House and Senate that indicates how tobacco money influences legislation. There was a significant trend for the major recipients of tobacco campaign funds in the House to vote against the smokeless tobacco tax. Of the top twelve House recipients of tobacco cash in 2000, only one Delegate voted for the tax. It passed by a vote of 60 to 38, with two absent.

In the Senate, there was no recorded vote on the passage of the tax, however we did note the sponsors of preemption legislation, which is intended to eliminate local health regulations to restrict smoking. Of the eight sponsors of preemption in the Senate, six of them were among the top ten recipients of tobacco money in the Senate for 1998 and 2000. We also found that during the 1998 and 2000 election cycles, contributions to state senators were concentrated on members of the Senate Finance Committee, where taxation and budget decisions are made. In 1998, Senator Oshel Craig, who was chair of the Finance Committee, was the top recipient of contributions from tobacco interests.

In general, the contributions to state Senators are much higher than for Delegates, which explains why some knowledgeable advocates say that the problem with increased tobacco taxes is the lack of interest by the Senate. However, there has been a significant increase in tobacco contributions to members of the House. In 2000, tobacco interests contributed \$23,645 to House members. In 2002, House members received \$40,975 in tobacco contributions, a 73% increase.

In both the House and Senate, tobacco contributions are concentrated on members of the Finance Committees. The average tobacco contributions to a member of the House Finance Committee during the 2002 election were \$629. (Six members of the committee took no tobacco money.) House members not on the Finance Committee received an average \$340 in tobacco contributions. Members of the Senate Finance Committee received an average of \$2,078 in tobacco contributions between 2000 and 2002. (Only one member took no tobacco money.) Other members of the Senate received an average of \$1,399 from tobacco interests. Former Senate Finance Chairman, Oshel Craigo, received \$6,405 in tobacco contributions in his failed re-election bid.

Tobacco interests have contributed a total of \$230,701 to legislative candidates since 1998. 45% of tobacco contributions came from lobbyists, 20% from retailers and wholesalers and 35% from tobacco companies and their PACs. Tobacco interests gave almost 25% more to candidates last year than in the 2000 election. Five of the ten House candidates who received the most tobacco contributions in 2002, are current or former members of the House Finance Committee. Four serve on the House Judiciary Committee. House Speaker Bob Kiss was made in the top ten. Kiss received \$1,875. Of the ten Senate candidates who received the most tobacco contributions in 2000 and 2002, seven are current or former members of the Senate Finance Committee. The top recipient was Senate President Earl Ray Tomblin. Tomblin received \$6,575. Former Senator William "Bill" Wooton, who chaired the Senate Judiciary Committee also made the list with \$2,771 in tobacco contributions.

Tobacco Contributions to Legislative Candidates

House		Senate		Total	
1998	\$26,225	1998	\$38,750	1998	\$64,975
2000	\$33,800	2000	\$40,325	2000	\$74,125
2002	\$46,625	2002	\$44,976	2002	\$91,601
Total	\$106,650	Total	\$124,051	Total	\$230,701

House Candidates Receiving the Most Tobacco Contributions in 2002

Gil White	\$4,300
Kevin Craig	\$2,700
Scott Varner	\$2,450
Larry Williams	\$2,050
Bob Kiss	\$1,825
J.D. Beane	\$1,800
William Stemple	\$1,300
Mike Caputo	\$1,300
Jerry Mezzatesta	\$1,250
Steve Kominar	\$1,250

Senate Candidates Receiving the Most Tobacco Contributions in 2000 & 2002

Earl Ray Tomblin	\$6,575
Oshel Craigo	\$6,405
Edwin Bowman	\$4,350
Sarah Minear	\$4,100
Leonard Anderson	\$3,800
Billy Wayne Bailey	\$3,300
Randy White	\$3,150
Karen Facemeyer	\$3,150
Truman Chafin	\$3,000
William "Bill" Wooton	\$2,771

**Contributions to Members of the State Senate from
Special Interests Opposed to Increased Taxes on Tobacco**

SENATOR	1998	2000	2002
Edwin Bowman*	\$1,900	\$0	\$4,350
Sarah Minear	\$750	\$0	\$4,100
Randy White	\$0	\$0	\$3,150
Truman Chafin	\$2,000	\$0	\$3,000
Joseph Minard	\$1,500	\$0	\$2,750
Tracy Dempsey	\$0	\$375	\$2,700
Larry Edgell	\$0	\$0	\$2,400
Frank Deem	\$450	\$0	\$1,900
Michael Oliverio	\$100	\$0	\$1,750
Walt Helmick	\$1,350	\$0	\$1,100
Brooks McCabe	\$100	\$0	\$700
Steve Harrison	\$0	\$0	\$550
Jesse Guills	\$0	\$0	\$500
Evan Jenkins	\$0	\$0	\$350
Andy McKenzie	\$0	\$950	\$0
Jeffrey Kessler	\$520	\$1,000	\$0
Donna Boley	\$0	\$1,450	\$0
Lisa Smith	\$0	\$0	\$0
Karen Facemyer*	\$0	\$3,150	\$0
Robert Plymale	\$0	\$1,700	\$0
John Pat Fanning*	\$0	\$700	\$0
Earl Ray Tomblin	\$0	\$6,575	\$0
Vic Sprouse	\$0	\$1,650	\$0
Billy Wayne Bailey*	\$0	\$3,300	\$0
Russ Weeks	\$0	\$0	\$0
Anita Skeens Caldwell	\$0	\$0	\$0
Shirley Love*	\$0	\$1,250	\$0
Bill Sharpe	\$0	\$2,300	\$0
Roman Prezioso	\$0	\$1,300	\$0
Jon Blair Hunter	\$0	\$0	\$0
Mike Ross	\$0	\$1,400	\$0
Herb Snyder*	\$0	\$2,650	\$0
John Unger II	\$0	\$0	\$0
Larry Rowe	\$0	\$50	\$0
TOTAL CONTRIBUTIONS¹	\$8,670	\$29,800	\$29,300

BOLD=Member of Finance Committee

* indicates sponsors of preemption legislation

¹Total contributions reflect only contributions received by current members of the legislature.

**Contributions to Members of the House of Delegates
from Special Interests Opposed to Increased Taxes on Tobacco**

DELEGATE	Smoke-Free		2000	2002
	Smokeless Tax Passage	Vestibule		
Gil White	Yes	Yes	\$550	\$4,300
Kevin Craig			\$650	\$2,700
Scott Varner	No	Yes	\$1,100	\$2,450
Larry Williams	No	Yes	\$1,550	\$2,050
Bob Kiss	Yes	Yes	\$1,250	\$1,825
J.D. Beane	Yes	Yes	\$550	\$1,800
William Stemple	No	Yes	\$1,000	\$1,300
Mike Caputo	No	Yes	\$550	\$1,300
Jerry Mezzatesta	No	No	\$100	\$1,250
Steve Kominar	No	No	\$575	\$1,250
Barbara Hatfield	Yes	Yes	\$0	\$1,100
Dave Pethtel	No	Yes	\$900	\$1,000
Randy Swartzmiller			\$200	\$1,000
Bill Proudfoot	No	Yes	\$850	\$900
Mitch Carmichael			\$0	\$900
Larry Border	No	Yes	\$700	\$850
Earnest Kuhn	No	Yes	\$800	\$800
Ron Walters			\$950	\$750
Timothy Ennis	No	Yes	\$475	\$750
Brady Paxton	No	Yes	\$200	\$700
Richard Browning			\$700	\$675
Charles Trump	Yes	Yes	\$0	\$650
Kenneth Tucker	No	Yes	\$400	\$600
Dale Martin	No	Yes	\$0	\$600
Harold Michael	Yes	Yes	\$500	\$575
Samuel Cann	No	No	\$550	\$550
Bob Ashley	Yes	Yes	\$500	\$550
John Shelton	No	No	\$200	\$550
Rick Staton	Yes	Yes	\$100	\$550
Greg Butcher	No	Absent	\$200	\$500
Kelli Sobonya			\$0	\$500
Dan Foster			\$0	\$450
Richard Thompson			\$0	\$400
Ron Thompson	Yes	Yes	\$0	\$400
Douglas Stalnaker	Yes	Yes	\$0	\$400
Barbara Ann Warner	Yes	Yes	\$195	\$375
Eustice Frederick	No	Yes	\$300	\$350
Harry Keith White	No	Yes	\$575	\$300

DELEGATE	Smoke-Free		2000	2002
	Smokeless Tax Passage	Vestibule		
Joe C. Ferrell	No	Absent	\$75	\$300
Sharon Spencer	Absent	Yes	\$200	\$250
David Perry			\$75	\$250
Emily Yeager	No	Yes	\$300	\$200
Rusty Webb	Yes	Yes	\$200	\$200
Bonnie Brown			\$0	\$200
Tom Coleman	No	Yes	\$900	\$175
Jody Smirl	Yes	Yes	\$250	\$150
Tom Azinger	Yes	Yes	\$0	\$150
Virginia Mahan	Yes	Yes	\$0	\$150
Larry Faircloth	Yes	Yes	\$0	\$150
Mike Hall	Yes	Yes	\$700	\$100
John Ellem			\$0	\$100
James Morgan			\$0	\$100
Carrie Webster			\$0	\$100
Tim Armstead	Yes	Yes	\$0	\$100
Robert Beach			\$0	\$100
Barbara Fleischauer	Yes	Yes	\$0	\$100
Nancy Houston	Yes	Yes	\$0	\$100
Christopher Wakim			\$0	\$50
Bill Wright	No	Yes	\$0	\$0
Jon Amores	Yes	Yes	\$200	\$0
Allen Evans	Yes	Yes	\$200	\$0
John Overington	No	Yes	\$200	\$0
Margarette Leach	Yes	Yes	\$100	\$0
Joe DeLong			\$0	\$0
Jack Yost			\$0	\$0
Roger Romine	Yes	Yes	\$0	\$0
Otis Leggett	Yes	Yes	\$0	\$0
Bill Anderson	Yes	Yes	\$0	\$0
Patti Eagloski-Schoen			\$0	\$0
Greg Howard			\$0	\$0
Don Perdue	Yes	Yes	\$0	\$0
Lidella Hrutkay			\$0	\$0
Marshall Long			\$0	\$0
Don Caruth			\$0	\$0
Gerald Crosier			\$0	\$0
Linda Sumner			\$0	\$0
Sally Matz Susman	Yes	Yes	\$0	\$0
Thomas Campbell	Yes	Yes	\$0	\$0
Ray Canterbury			\$0	\$0
Tom Louisos	No	No	\$0	\$0
John Pino	Yes	Yes	\$0	\$0
Corey Palumbo			\$0	\$0

DELEGATE	Smokeless Tax Passage	Smoke-Free Vestibule	2000	2002
Ann Calvert	Yes	Yes	\$0	\$0
Brent Boggs	No	Yes	\$100	\$0
Joe Talbott			\$0	\$0
William Hartman			\$0	\$0
Bill Hamilton			\$0	\$0
Mary Poling			\$0	\$0
Richard Iaquinta			\$0	\$0
Ron Fragale			\$0	\$0
A. James Manchin	Yes	Yes	\$0	\$0
Donna Reid Renner			\$0	\$0
Cindy Frich			\$0	\$0
Stan Shaver			\$0	\$0
Robert Schadler	Yes	Yes	\$0	\$0
Craig Blair			\$0	\$0
Walter Duke			\$0	\$0
Robert Tabb			\$0	\$0
John Doyle	Yes	Yes	\$0	\$0
Dale Manuel	Yes	Yes	\$0	\$0
TOTAL CONTRIBUTIONS¹			\$20,670	\$40,975

BOLD=Finance Committee Member

¹Total contributions reflect only contributions received by current members of the legislature.