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### League of Women Voters of the Huntington Area E-mail Bulletin, March 2023

League of Women Voters of the Huntington Area

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# LWW LEAGUE OF WOMEN VOTERS® OF THE HUNTINGTON AREA

March 2023 E-mail Bulletin

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## West Virginia Legislation that Passed the Finish Line

Nyoka Baker Chapman

West Virginia's one-party super majority legislature took pages out of other red state playbooks and made them their own during this session. This has certainly created a dilemma for a nonpartisan organization that often finds itself faced with a partisan problem.

Though some bills that deviated from our LWWHA legislative priorities completed passage, many more failed. A few good bills *did* come out of the recent session, but others did not see the light of day on a weekly committee agenda. Here are some bills of interest that completed passage.

**HB 2007 Prohibiting certain medical practices** was amended before passage, allowing diagnosis of gender dysphoria by two medical professionals, guardians, and the patient's primary care physician to be treated as needed with affirming healthcare. Otherwise, gender altering medical care with few exceptions for minors in WV is against the law. That healthcare accepted by major medical organizations such as the American Medical Association and the American Academy of Pediatrics would stop at the WV border is difficult to understand. How this bill may affect our transgender youth and those moving to WV from other states is at issue. Utah became the first state to pass this type of legislation in January of this year.



**SB 10 the Campus Self-Defense Act** was passed. As if more guns are the answer to solving the issue of gun violence, the prohibition against students and guests carrying concealed weapons on campus has been lifted if the owner has a valid permit to carry one. This was a shocking setback for our state. WV joins Arkansas, Colorado, Georgia, Idaho, Kansas, Mississippi, Oregon, Tennessee, Texas, Utah and Wisconsin to legalize campus carry.

**HB 2526** Relating to reducing the personal income tax has been signed into law and WV's personal income tax rates will be reduced 21.25% for all income brackets. A 750 million dollar cut from our WV budget will include tax credits on vehicles when paying personal property tax and a refundable credit for machinery, equipment and inventory for some qualifying small businesses. Tax break opportunities are further clarified in HB 2526. The defeat of ballot measure 2, the Property Tax Modernization Amendment during the November 22 election found a legislative compromise that worked *now* for those in office who opposed the measure last year.

Of positive note:

**HB 3110 Relating to funding the Office of Oil and Gas in the Dept of Environmental Protection** passed and once signed into law will add 10 more inspectors to double the number of DEP employees responsible for oversight of around 75,000 existing wells and 20,000 tanks. This is good news, but the number still seems inadequate to provide enough oversight to monitor WV's natural gas industry.

**HB 2814 to create a Hydrogen Power Task Force** passed both houses. The details reveal that the word 'clean' was removed. Currently 95% of all hydrogen is steam formed from natural gas. Clean hydrogen is produced by splitting water molecules by electrolysis to separate hydrogen from oxygen. Fracking for even more natural gas to create hydrogen will bring more threats to those living in harm's way to this toxic emitting extraction process. This task force can do the leg work to look at the impact of all aspects of this emerging energy transition.

**SB 143 Relating to Adopt-A-Stream Program** has already been signed into law. As with the Adopt-A-Highway Program, individuals, families, churches, businesses, schools, civic organizations, government agencies, scouting groups, fraternities, and communities may participate in an Adopt-A-Stream Program. *In West Virginia there are currently 25,000 volunteers who regularly pick up litter on 4,000 miles of highway. They have been responsible for removing more than 40 million pounds of litter since the program began.* This bill will allow Adoptions are for a period of three years, during which time at least one cleanup is required per year. Collected litter will be placed at designated locations approved by the department. The department may coordinate with volunteers, local authorities, and state agencies for removal and disposal of collected litter. Garbage bags, safety training, and gloves are to be furnished by the program.

**HB 3189 the PFAS Protection Act** added new articles to WV Code *relating to identifying the sources of perfluoroalkyl and polyfluoroalkyl substances discharged into source waters used for public drinking water; providing legislative findings; providing state and federal regulation history, status, and future expectations; providing definitions; requiring the Department of Environmental Protection to begin identifying sources of PFAS in water sources and address sources of PFAS for certain public water systems with action plans....* This bill was a major victory for WV's clean water activists, particularly WV Rivers whose relentless advocacy allowed citizens to create contacts on their interactive website to legislative committee members as the bill moved.

**HB 3482 to create the Coal Fired Grid Stabilization and Security Act of 2023** will keep coal a priority resource going into the future of electricity generation in WV. The Act will require designation of suitable sites for coal electric generation and reporting to the Division of Air Quality of the West Virginia Department of Environmental Protection and the West Virginia Public Service Commission; requiring construction and operating permits for coal electric generation facilities, including expedited consideration; and require prompt consideration of appeals by the Air Quality Board concerning permit issued or denied. The bill honors the advancement of existing and emerging technologies as well as finding solutions to current regulatory limitations.

**HB 3303 Clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office** completed legislation. The director shall report quarterly to the energy and finance committees of the legislature on projects funded by the office. The report shall include the amount, the recipient and a description of each project funded. The office would coordinate meetings as needed to be held among participating parties and develop a means to answer questions, concerns and complaints related to surface mining. The office would also coordinate the expenditure of grants issued by the US Dept of Energy and the US Dept of Commerce's Economic Development Administration for coalfield economic development or coalfield revitalization projects. This office will identify coal related assets and coal-based manufacturing or steelmaking facilities into this mix of community coalfield development.

**SB 609 Obtaining approval for decommissioning or deconstructing of an existing power plant** was passed. That existing coal, oil, or natural gas fueled power plant shall undertake any decommissioning or deconstructing activities prior to obtaining approval from the WV Public Energy Authority: Steps to be taken and the requirements at issue are clarified.

**SB 162 Authorizing director of DNR to lease state-owned pore spaces in certain areas for carbon sequestration.** This bill will allow the Division of Natural Resources to lease state-owned pore spaces underlying state forests, natural and scenic areas, and management areas, and other lands under the jurisdiction and control of the director for carbon sequestration; but *would prohibit the leasing of pore spaces underlying state parks*. A competitive bidding process would be established, providing for procedures and requirements; and authorizing the director to directly award a pore space under certain circumstances when necessary for an economic development project.

**SB 4 Adopt-A-Trail volunteer programs for public land under DNR jurisdiction** also passed the legislature and will establish an Adopt-A-Trail program for paths and trails under the guidance of the West Virginia Division of Natural Resources. The program that will allow volunteer groups to assist in maintaining and enhancing trails on state-owned land as approved. Volunteer groups in the Adopt-A-Trail program may adopt any available trail or trail segment and may choose any one or more of the following activities: Spring cleanups, Litter collection, Accessibility projects, Special events, Trail maintenance, enhancement, or realignment, public information and assistance, or training. Volunteer groups that want to participate in the Adopt-A-Trail program may complete an application provided by the division for approval.

**Although a number of bills that would have affected elections were moved to committees none were found to have completed legislation.** You can check bill status by number or subject here:

[https://www.wvlegislature.gov/Bill\\_Status/bills\\_subjects.cfm?year=2023&sessiontype=RS&btype=bill](https://www.wvlegislature.gov/Bill_Status/bills_subjects.cfm?year=2023&sessiontype=RS&btype=bill)

We know that bills good and bad will be back in another incarnation during the next WV Legislative session. The LWVHA welcomes all of our members to participate in our monthly meetings to share your thoughts and ideas to address advocacy for our legislative priorities.



## Health Issues from the West Virginia Legislative Session

Betty Barrett

Health issues were active in the 2023 Legislative session. The League worked with our partner advocacy group Health Care for All with its West Virginia coordinator Kim Jones. She has a report attached. She spent a lot of time on the scene.

Some issues we were especially interested were approved and, as usual, some good ones failed and some bad ones (by LWV standards) failed. A major victory was passage of the cap on insulin monthly expenditures, which Kim explains. Some of the bills sound good, but may not be what we think they will be.

For example, the bill related to the study of the homeless population is of great concern to homeless providers. It could result in limits of service to people from other states. Because we are a border state, with states that do not provide services to people who are homeless, it would result in more such people on our streets with no services. Another bill approved offers so-called pregnancy assistance that is anti-abortion, and provides one-sided assistance and often incorrect information to pregnant women.

We will have to wait and see the effect of other bills passed. A major example is the split of the Department of Health and Human Resources (DHHR) into three components. Another is the major changes in the Certificate of Need (CON) requirement that helps restrict over-expansion and duplication of services.

A bill that is a major concern limit what can be done to help transgender people, which was approved despite the advice and strong opposition from medical professionals. Kim talks about this.

Some good bills that failed are many. Ending what is called the "Medicaid cliff" is at the top of the list. Kim explains it. It will be an emphasis for next year. Working people have to be concerned that receiving a raise or a better job now are at risk of losing or not being eligible for Medicaid by a few dollars. I had a secretary, for example, who turned down a raise because the extra few dollars she could use as a single mother with two children would cost her Medicaid (as well as her subsidized housing and child care), and therefore she would have to quit her job).

Another bill that failed would provide free feminine hygiene products in certain grades in school, as needed. Another would pay for transportation to substance abuse patients.

It was a good year for some League-supported legislation, and for some bad bills, as is always the case. Here is Kim's report:

For years, many people and groups have been working on getting a bill through our legislature that really addresses the high cost of insulin for West Virginians. This year, with overwhelming majorities in both the House and Senate, SB 577 passed. This urgently important bill caps the copay for insulin at \$35 for people with private health insurance and PEIA. Some diabetics need two different kinds of insulin. They will only have to pay \$35 total for their monthly life-saving medicine. The bill also puts a copay cap on supplies needed to administer insulin or test blood glucose levels to \$100 a month. As many families know, affording insulin isn't the only challenge, as copays for supplies can also put a strain on their budgets. The supplies covered are glucometers, test strips, lancets, syringes, insulin infusion devices, and continuous glucose monitor sensors and transmitters. The original bill also covered insulin pumps, but that protection was removed from the bill. We are hoping that our legislature will work together next year to continue this work towards giving West Virginians much needed relief from the crippling cost of healthcare and medicines they need to lead healthy and productive lives.

During the House debate on this year's insulin bill, Delegate Sean Hornbuckle from Cabell County said, "This is not an economic debate, it is a life debate. And we have the power to save lives here."

We are pleased that Delegate Rohrbach from Cabell County was the sponsor of the bill in the House and has supported it for years.

The Affordable Medicaid Buy-In gained much support this year. It looks to raise the Medicaid eligibility from 138% of the Federal Poverty Level to 200%. This will allow people to work more and not lose their vital health coverage. According to Kat Stoll from West Virginians for Affordable Health Care, "[HB 3274](#), a bill to address the Medicaid eligibility cliff passed the House overwhelmingly but stalled in the Senate. Republican support in the House was strong. Private insurer Highmark raised concerns with the bill on the Senate side. As a result, the DHHR will be pursuing a study regarding the potential of a state Innovation ACA waiver or a state Medicaid Basic Health Plan option to address issues of the Medicaid income eligibility Cliff and churning on and off Medicaid during the year that 68,000 low-wage workers experience in West Virginia."

HB 2007 is a bill that we consider discriminatory. It will stop trans youth from receiving gender-affirming healthcare. The American Academy of Pediatrics and all other reputable medical sources support gender-affirming care, and warns that denying it will spike teen suicide and depression rates in West Virginia. Senator Takubo of Kanawha County spoke at length on the Senate floor on how this law defies medical science and endangers our children. In the end the bill passed with an amendment that he added to make exceptions in the law for young people who have severe gender dysphoria.

It is our hope that this bill, and others like it around the country, will be turned around by lawsuits. If not, we urge our legislature to reexamine this bill based on science not ideology.

We want to thank the thousands of people in West Virginia who work to make it a healthier place for our families. And we hope that our legislature will work with us to turn a state with some of the worst health statistics in the country into a state that makes the physical and mental health of its citizens top priority.

Kim Jones, Coordinator of Health Care for All-WV

# The Inflation Reduction Act Roadshow



Nyoka Baker Chapman

The Inflation Reduction Act Roadshow will be coming to Huntington on Saturday April 22, 1 pm – 3 pm at the Cabell County Public Library. Learn how individuals, municipalities and organizations in WV can benefit from millions of dollars of investments contained in the Inflation Reduction Act!

## West Virginia Pushes Back on Environmental Social Governance (ESG)

Nyoka Baker Chapman



WV has joined into yet another GOP state alliance (Alabama, Alaska, Arkansas, Georgia, Idaho, Iowa, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, and Wyoming) to undermine the environmental justice and clean energy agenda of the current administration which now has a secure position in the banking and investment sectors. WV could be considered a ringleader in this group as it has already moved to divest from financial institutions that have narrowed investments in fossil fuels from their portfolios.

<https://thehill.com/homenews/state-watch/3903188-desantis-18-states-to-push-back-against-biden-esg-agenda/>

[DeSantis, 18 states to push back against Biden ESG agenda | Watch \(msn.com\)](#)

In 2022 WV passed SB 262 which allowed the creation of a list of restricted financial institutions that were not favoring fossil fuel investments and would prohibit contracts from being made with them by the WV State Treasurer's office. That list includes BlackRock Inc, JPMorgan Chase & Co, Goldman Sachs, Morgan Stanley and Wells Fargo & Co.

WV's Attorney General letter to the acting chair of the Security and Exchange Commission in 2021 stands now as a forerunner of the red state divestment movement. <https://ago.wv.gov/Documents/Letter%20to%20Acting%20Chair%20Lee.pdf> WV's defensive actions

last year do not appear to have hurt the state's finances though and their new investments are currently outperforming other portfolios per WV's State Treasurer.

<https://tristatealert.com/13-months-after-divesting-from-blackrock-wv-treasury-investments-top-10b-beat-br-goldman-sachs-jp-morgan-and-more/#:~:text=Last%20January%2C%20the%20West%20Virginia,outflows%20in%20the%20prior%20year.>

With so much money waiting to be utilized for renewable energy projects and community revitalizations from the Build Back Better legislation and Inflation Reduction Act, there is difficulty in watching the tragic drama of our failing climate and environment being turned into political and financial priorities and not being deemed as a matter of human survival.

*Reading this article from the Wall Street Journal is highly recommended. The accusations do not always line up with financial realities.*

<https://www.wsj.com/articles/esg-backlash-at-odds-with-shift-by-companies-and-investors-11661825320>

## West Virginia Withdraws from the ERIC

Nyoka Baker Chapman



On March 3<sup>rd</sup>, West Virginia along with Florida and Missouri, will no longer be participating states in ERIC, the Electronic Registration Information Center. Even though ERIC has been deemed a reliable and secure way for states to share voter registration data with one another, WV's ability to validate voter registration information may be compromised and could open the door for voting challenges.

Per Democracy Docket: *West Virginia Secretary of State Mac Warner (R) expressed similar concerns, with Warner objecting to the "opportunity for partisanship in voter registration and list maintenance."*

<https://www.npr.org/2023/03/06/1161374479/electronic-registration-information-center-eric-florida-missouri-west-virginia>

<https://www.democracymatters.com/news-alerts/three-gop-states-withdraw-from-voter-data-organization-eric/>