



# THE WEST VIRGINIA VOTER

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## PRESIDENT'S REPORT

By Jonathan Rosenbaum, President

“The filibuster was historically used to protect the South’s dependence on slave labor, and later to defend segregation and block civil rights legislation.” At the US Capitol, which came under physical attack by divisive hate groups intent on stalling the process of Democracy, “there are some US Senators who still cling to this old Jim Crow relic.” LWVUS CEO Virginia Case put it succinctly, “As long as senators can hide behind the filibuster, they are not beholden to the American people.”

We live in exciting times of amazing technological progress with the fast development of Covid-19 vaccines, and an open-sourced Linux powered helicopter flying on Mars! At the same time there are many people still engaged in obstructionism, intent on keeping humanity from moving forward with freedom, equality, and justice in a universe much larger than ourselves. What we need is voter reform from “The For the People Act” that will address many critical voting issues including updating and restoring the full protections of Section 5 of the Voting Rights Act of 1965 (VRA). The VRA is considered the most effective civil rights legislation in the history of the United States. The recent horrible voting legislation coming from Georgia only reinforces why this Act is so critically important.

In an unparalleled move, the LWVUS Lobby Corps is providing the opportunity for all WV League members to participate in lobbying efforts with our US Senators concerning “The For the People Act.” Hopefully, both WV Senators will come to grips with their biases, and realize how important this legislation is for us all. It can easily be argued that partisanship and implicit biases are silently intertwined with each other, especially when you examine how divided and polarized we have become in the United States. As outgoing president of the League, I continue to hope

that all people will eventually embrace the League way of coming to consensus on issues regardless of political affiliation. This is why I love the League. On that note, if you visit only one link today, click on <https://convention.lwvww.org> to register for our 2021 Convention!

**Convention Schedule Synopsis:** May 14 - State board meeting is held Friday evening at 7:00 pm. May 15 - Convention check-in begins at 9:30 am; First Plenary commences at 10:00 am; Lunch at 12:00; Guest Speaker at 1:00 pm; Second Plenary begins at 2:00 pm and should end by 3:00 pm. All new and existing Board Members will then attend a brief Post-Convention Board Meeting.

**Guest Speaker:** Our guest speaker will be Dr. Kenneth C. Martis, Emeritus Professor of Geography at WVU. He will give a quick history about redistricting and current legal standings including a focus on redistricting in WV, pending State legislation, and deadlines.

**New Board:** We will be electing two new state co-presidents, Julie Archer (Summerco) and Effie Kallas (Shepherdstown). Congratulations, Julie and Effie! Along with Effie, there will be two additional new board members, Judy Ball (Morgantown) and Nyoka Baker Chapman (Huntington). This year one of the new Board’s first actions will be appointing Kathy Stoltz back as a director per Article V, Section 1 of our Bylaws. There are five nominated elected directors up for vote at Convention, but up to five additional directors may be appointed. Lydia Cobranchi will be leaving the board. Not enough can be said about her work. Lydia managed the Voters Service portfolio. Since she is leaving WV, she has offered to mentor her replacement, interested? All our portfolios can benefit from your help, so do not hesitate to contact us about volunteering.

I am looking forward to our new super-powered Board of 2021 – 2023!

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## League Priorities in the 2021 WV Legislative Session

By Kathy Stoltz

**Overview:** The 2021 session of the WV Legislature was like no other. Due to the pandemic, the Capitol building was closed to all except those with business to conduct inside. Access for press was limited. Public hearings were fewer than usual and were virtual. Streaming of floor sessions was available and some committee meetings could be watched or listened to. For the governor's press conferences, he was in one room and the press in another, so questions came from those he chose to call on with no follow-up. The Republican Party has super-majorities in both houses, 77-23 in the House and 23-11 in the Senate, as well as holding all state executive offices.

Of the 2039 bills introduced, 282 completed legislation, although some await Governor Justice's action. More bills than usual were referred to a single committee, moving them faster but allowing less scrutiny. Of 313 resolutions introduced, 108 were adopted. (Fifteen of the adopted resolutions named bridges and roads. Resolutions to name many others were not acted on.)

Measures that received a lot of attention related to gun rights, supporting the coal industry, supporting charter, private, and home schooling, and consolidating authority from the local level to state government.

### LWVWV Legislative Priorities for 2021

(Note that the following does not include every bill related to these topics. As of this report, the Governor has not acted on some of them. Read full text of bills on the Bill Status page at [wvlegislature.gov](http://wvlegislature.gov))

***The LWVWV supports reforms of the West Virginia tax system that are broadly based, rely on diverse revenue sources, provide adequate, stable yield sufficient to provide essential services, and treat taxpayers fairly.***

The Governor, Senate, and House each had their own version of a plan to eliminate the state income tax, raising other taxes and making budget cuts. All were skewed to benefit higher income earners. The House passed its bill (HB 3300), the Senate amended it to reflect its plan, and the House refused to accept the amended version by a startling 100-0 no vote. The Governor plans to keep trying. He believes that eliminating the income state tax will bring people to WV and reverse the state's population decline.

HB2001 "creating the West Virginia Jumpstart Savings Program" gives a state tax benefit for a savings account to start a business. Passed and signed by Governor.

HB2499 gives a tax reduction to arms and ammo manufacturing. Passed and signed by Governor.

***The LWVWV supports measures that ensure health care for all West Virginians in light of the continuing Covid-19 pandemic, including maintaining expanded Medicaid coverage, providing subsidies for those who cannot afford coverage under the ACA, ensuring coverage for pre-existing conditions, and addressing the disparity in health care availability and outcomes faced by Black West Virginians and other minority communities.***

SB224 adds a new article to state code concerning needle

exchange programs which reportedly will eliminate many current programs and discourage participation. Passed and signed by Governor.

HB2266 expands Medicaid coverage of postpartum care for eligible women and their infants from 60 days to one year. Passed both houses.

HB2982, the Second Chances at Life Act of 2021 This bill relates "to the informed consent; requiring that information about the process of chemical abortion be provided to a woman when a chemical abortion process is initiated and second drug is contemplated to be used at a later time" to counteract the first drug. Despite some questions about the medical validity of some of the language in the bill, it passed both houses.

***The LWVWV supports measures that will continue to expand reliable broadband service to all parts of the state to increase educational and business opportunities in underserved areas.***

HB2002 provides some easing of the process of expanding broadband coverage and provides for some consumer rights. The final version is a positive step, but not as good as it could have been. Passed both houses.

***The LWVWV supports measures to eliminate discrimination and to ensure equality of opportunity for education, employment, and housing for all West Virginians regardless of their race, color, gender, religion, national origin, age, sexual orientation, or disability.***

HB3293 requires that participants in "athletic teams or sports sponsored by any public secondary school or state institution of higher education according to biological sex" must play on the team of the sex they were assigned at birth. (Note that no one could cite an example of a transgender student asking to join a team of their birth-assigned gender.) Passed both houses.

HB2174 West Virginia Monument and Memorial Protection Act of 2021 prohibits the relocation, removal, etc. of any statue, monument, memorial, nameplate, or plaque on public property in honor of certain historical figures and organizations and establishes a process by which the West Virginia State Historic Preservation Office may grant waivers under certain circumstances. Passed the House, died in Senate.

HB2611 would have established a panel and project to address racial health disparities but was not taken up.

***The LWVWV supports measures that modernize the elections process, allow more efficient procedures for election officials, and give voters easier access to voting such as making permanent the expanded voting options that were available during the pandemic in 2020.***

SB237 allows filing pre-candidacy papers the day after a general election. Signed by Governor

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# League Priorities in the 2021 WV Legislative Session

By Kathy Stoltz

## *Elections and Voting continued from page 2*

HB2927 allows caregiving expenses to be included as a lawful campaign expense. Passed both houses.

SB565 an Election bill that made some lists as a suppress-the-vote measure. The League opposed this bill and joined with other organizations to lobby against some of the changes and ask for the inclusion of reforms that worked well during the 2020 election and increased turnout. The League was one of dozens of organization and individuals speaking against the bill at a virtual public hearing. In addition to some procedural updates, 565 moved back the dates for early in-person voting to end it a week before the election and gutted implementation of Automatic Voter Registration at the DMV. It did not include measures favored by the League such as no-excuses absentee voting, drop boxes for absentee ballots, and other voter-friendly measures. The bill passed the Senate but was not taken up by the House.

Of 63 bills introduced on the subject of elections, only the above three were taken up by committee. Some would have permitted the changes in effect in 2020 to be made permanent and made WV elections more accessible to voters.

***The LWVWV supports measures for redistricting for representatives to the US House of Representatives and the WV Legislature on a nonpartisan basis that allow West Virginia voters to choose their officials rather than officials to choose their voters.***

HJR5 called for a bipartisan panel to do redistricting. It was not taken up. Redistricting will be done by the legislature sometime after official 2020 census results are available. Note that all districts for the House of Delegates will be single member in the new plan.

***The LWVWV supports updating water quality standards to strengthen protections for human health, as well as measures that will give more West Virginians access to water service that meets these standards.***

HB2598 “The Tank Bill” would have exempted 900 storage tanks from regulations adopted after the spill that contaminated water in the Kanawha Valley in 2014. Passed the House, not taken up by Senate.

HB 2382 A WVDEP rules bill revising water quality standards allowing for more chemical toxins in WV water than the EPA recommends. Signed by Governor.

For more about legislation affecting water quality, visit [wvivers.org](http://wvivers.org)

## **Also of Interest**

HB 2022 The Budget Bill has been signed by the Governor.

**Education** was the subject of many bills, several of which make

major changes, including diverting funds away from public school funding in WV and expanding alternatives to public schools. For more information on a lengthy list of education

bills, visit [wvea.org](http://wvea.org).

HB2012 Authorizes creation of virtual charter schools taking up to 10% of a county’s school population. Increases the number of charter schools permitted going forward. Signed by the Governor

HB2013 Education Savings Accounts The bill provides up to \$4600 toward the cost of private school tuition or home schooling materials for student who withdraw from public school after attending for at least 45 days. Signed by the Governor

HB2791 Relates “to requiring county boards of education to permit students who are homeschooled or attend private schools to enroll and take classes at the county’s vocational school at no additional cost beyond any costs charged to public school students.” Signed by the Governor

HJR1 passed by the House but died in the Senate. It proposed a constitutional amendment to give the Legislature “general supervisory authority” over the State Board of Education.

**Courts** SB275 creates an Intermediate Court of Appeals. The state’s business community has wanted this court for a long time. Signed by Governor

**Energy** The general tenor of several bills was to support continuation of existing coal-fired power plants. Two bills taking positive steps were:

HB3310 Energy Freedom Bill allowing power purchase agreements under which customers can agree to buy power from solar installations provided by others on their property. Passed both houses.

HB2667 creates “an energy savings program for assessment and implementation of energy savings goals for state buildings.” Passed both houses.

**Guns** As usual, an assortment of bills were introduced to expand concealed carry to more public spaces (including the Capitol), and assure that communities did not try to regulate firearms. Most were not acted on. Two that were:

SB458 “modifying and limiting the power of government entities regarding the possession of firearms and related products by individuals during a declared state of emergency.” Passed both houses.

HB2793 allows out of state residents to get a concealed carry permit in WV. Signed by Governor.

*Continued on page 4*

## 2021 WV Legislative Session By Kathy Stoltz

and

## Healthcare By Betty Barrett

### An Anti-green bill

HB2500 Statewide Uniformity for Auxiliary Container Regulations basically means no city or county may regulate “a bag, cup, bottle, or other packaging, whether reusable or single-use” that is “designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a food service or retail facility.” Signed by the Governor.

Presumably this will not bar consumers from using their own shopping bags or asking not to receive plastic utensils for food they plan to eat at home, and will not prevent merchants from making their own efforts to reduce the amount of waste going to the landfill. To date no city or county in WV has proposed such a regulation.

**Constitutional Amendments** Three that will be on the ballot in 2022:

HJR2 would prohibit the courts from intervening in the impeachment of a public official

HJR3 would allow the Legislature to lower the personal property tax on businesses, inventory, equipment, and on residents' cars.

SJR4 would allow churches and denominations to incorporate.

## HEALTHCARE

*By Betty Barrett*

To say the recent West Virginia Legislature's session was interesting is an understatement. Underlying the whole 60 days was the Republican effort to reduce or eliminate WV personal income tax. Not specifically a health-related bill, if it had passed, all services funded in the state's budget for 2021-22, including health care, would have been impacted, and most would be substantially reduced. The bill did not pass after the House emphatically rejected it 100-0, a rare occurrence.

The issue is not dead, but will be studied. A good resource for studying it is the WV Center on Budget and Policy, [wvpoli-cy.org](http://wvpoli-cy.org). You may want to get on their email list for their excellent materials on many subjects, including health care.

Other bills that were approved range from good to bad, based on the positions of the League of Women Voters.

### GOOD BILLS

HB 2266, approved with broad bipartisan support, extends postpartum Medicaid coverage to a full year, up from 60 days (which was a recent improvement).

HB 2263, which, among other benefits, will lower the cost of prescription drugs for individuals on commercial insurance plans. It requires insurance companies and Pharmacy Benefits Managers (PBMs) to share rebates on drugs with customers instead of keep-

ing them for the companies.

HB 3107, is a pilot program to provide Workers Compensation for PTSD in first responders, such as fire fighters, police and emergency medical techs.

HB 2918, allowing expansion of Drug Courts, if there is funding available. We will follow the expansion and report on funding.

HB 2002, Broadband expansion, to improve statewide access to computer use. This is not a health care bill, but it will allow expansion of telehealth programs, to increase access to health care.

### BAD BILLS THAT DID NOT PASS

HB 2598, reducing inspection of above ground storage tanks. Perhaps legislators learned a lesson from the contamination of water to Kanawha and other counties from a leaking chemical storage tank. There continues to be concern, however, that there are not enough inspectors to meet the need, a budget problem.

### BAD BILLS THAT PASSED

HB 2389, allows some previously excluded chemicals from drinking water to be allowed. This is not directly a health care bill, though it strongly impacts public health, and will be described in the environment section of the newsletter.

SB 334, requires increased regulation for harm reduction programs, which include needle exchanges, such as the successful program of the Cabell-Huntington Health Department, and another in Kanawha County. Despite excellent scientific research showing their value to public health and drug treatment entry, more and complicated requirements added are likely to prevent establishment and result in closure of these programs. Charleston's City Council just passed an ordinance that adds other restrictions to harm reduction programs.

HB 2982, requires doctors to give information to patients that some medication-driven abortions may be reversible, though credible research disagrees, and shows dangerous results that caused research to be closed down.

HB 2368, makes visitation to a health care facility a patient right, even during a pandemic. Visits may take place at least every five days, despite the risk of spreading disease. Visitors would be required to follow federal guidelines. Limits on visits to nursing homes or assisted living due to Covid 19 has been protested.

As this is written, not all of the bills have been signed by the Governor, and efforts are underway to request vetoes of several of them. As always with legislative sessions, the League wins some and loses some. We will have another chance next year.

## NATURAL RESOURCES

*By Julie Archer*

### **Legislature Approves Weakened Water Quality Standards**

Last May, as part of a multi-year process to update West Virginia's water quality standards, the League signed on to comments prepared by the WV Rivers Coalition regarding proposed changes to the human health criteria in West Virginia's water quality standards, and opposing DEP's proposal to allow more dangerous toxins in our water. Although the EPA recommended that DEP update limits on 94 toxins (some strengthen limits, some weaken limits), in the revised water quality standards rule put forth for approval by the Legislature, DEP chose to update limits for only 24 toxins – 13 of which would be weakened. It's the position of WV Rivers' and LWV-WV that no toxin limit should be weakened.

When the rule was before the Legislative Rule-Making Review Committee last fall, Delegates Barbara Fleischauer (D-Monongalia) and Larry Rowe (D-Kanawha) led the charge to fight against weakened standards and questioning DEP on why they only chose a small subset of the recommended criteria to update and for information about the harms and risks these toxins pose. They also offered an amendment with Senators Stephen Baldwin (D-Greenbrier) and Glenn Jeffries (D-Putnam) to strip out the updates that would weaken human health criteria, but that amendment was defeated 4-7, with only the four sponsors voting for the amendment. In the final vote, the rule passed 7-4 along the same lines that the amendment failed, sending it to the full Legislature.

As the rule worked its way through the process during the regular session, similar amendments were offered on the House floor by Delegate Evan Hansen (D-Monongalia) and in the House and Senate Judiciary Committees by Delegate Chad Lovejoy (D-Cabell) and Senator Richard Lindsay (D-Kanawha) to no avail. Ultimately, the DEP rules bundle, including revisions to water quality standards (HB 2382), passed the House

73-24, and then the Senate 22-11, on mostly party line votes, with Democrat legislators and Delegate Ty Nestor (R-Randolph) voting to prioritize public health and against allowing more toxins in our water. Governor Justice signed the changes into law on April 7.

### **Oil and Gas Tank Deregulation Bill Defeated**

The water quality standards rule, was one of two proposed measures that would weaken regulations intended to protect our drinking water and public health. Fortunately, the other, which would have exempted hundreds of oil and gas storage tanks closest to our drinking water intakes from the Aboveground Storage Tank (AST) Act, was defeated. More specifically, HB 2598, would have exempted oil and gas tanks in "zones of critical concern" (ZCCs) from the AST Act. ZCCs are areas directly upstream from public drinking water intakes in which a released contaminant will reach the intake within five hours.

The Freedom Industries tank leak in 2014 demonstrated what can go terribly wrong when tanks close to our drinking water intakes are overlooked. The water crisis that resulted when the drinking water for over 300,000 West Virginians was contaminated by the leak spurred unanimous passage of the AST Act.

Before committees in the House of Delegates agreed to honor requests for virtual public hearings, HB 2598 was the subject of a People's Public Hearing organized by a coalition of community advocates. The hearing was attended by over 80 citizens, with many speakers describing their personal experience during the 2014 water crisis, and opposition to the bill led House Speaker Roger Hanshaw (R-Clay) to send it to the House Health and Human Resources Committee for further scrutiny. Although HB 2598 passed the House of Delegates on a 74-26 vote, it was not taken up in the Senate.

## NATURAL RESOURCES *continued*

*By Julie Archer*

### **Power Purchase Agreement, Energy Efficiency Bills Sent to Governor**

The League has long supported measures to encourage investment in renewable energy and energy efficiency and this session two bills to further this goal passed the Legislature.

HB 3310 will enable homeowners, small businesses, churches and other nonprofits to enter into Power Purchase Agreements with third parties giving them the freedom to go solar without going into debt for the cost of the installation.

This will encourage investment in renewable energy in West Virginia, while also making it more affordable for retail customers.

HB 2667 creates a cost savings program to reduce energy usage in state buildings. The bill will establish a program for measuring and benchmarking the energy efficiency of all state buildings by July 1 and promote cost savings for state taxpayers by implementing energy savings goals achieved by reductions in energy use and energy-conservation measures.

While the passage of these bills is good news, the Legislature also passed SB 542, aimed at extending the life of the remaining coal-fired power plants operating in the state by requiring public electric utilities to keep 30-days coal supply under contract; and SB 492, making it more costly for developers of wind and solar generating facilities to locate in West Virginia by requiring reclamation bonding under the guise that it will prevent environmental degradation if the facilities are abandoned in the future.

### **DEP Office of Oil & Gas, Division of Air Quality Face Funding Shortfalls**

The 2021 session ended without addressing critical budget shortfalls for the DEP Office of Oil & Gas and Division of Air Quality. The situation is most dire at the Office of Oil & Gas, which laid off nearly half its staff last year due to a budget deficit, leaving it with one inspector for every 7,000 oil or gas wells in West Virginia. The Leg-

islature passed one bill to generate revenue for the OO&G through permit modification fees for horizontal wells (SB 404), but another bill that would generate new revenue for the Office by establishing a \$100 annual fee per well (HB 2725/SB 712) did not pass either house. A bill that would have shored up funding for the DAQ to make up for a loss in revenue caused by decreasing permit fee collections, passed the House 74-26 but stalled in the Senate Finance Committee.

### **Additional Resources**

For more water policy, environmental and other news visit:

- WV Rivers Coalition – [wvrivers.org](http://wvrivers.org)
- WV Environmental Council – [wvecouncil.org](http://wvecouncil.org)
- Mountain State Spotlight – [mountainstatespotlight.org](http://mountainstatespotlight.org)

### **Thank YOU!**

Thanks to everyone who took time to make calls and send e-mails to your legislators this session. Your advocacy makes a difference and helped make the few bright spots in an otherwise dismal session possible. Although it seems like we can practically count all the good bills that passed on one hand, defeating bad bills like the oil and gas tank deregulation bill (HB 2598) are also victories. Thank YOU for your informed, active participation and making your voice heard!

## CALENDAR

LWV WV Board Meeting - May 14, 2021

LWV WV Convention - May 15, 2021  
<https://convention.lwv.org>

LWV US Council - June 24-27, 2021

## TAXATION REPORT

By Vicki Conner

## REDISTRICTING WV

By Nyoka Baker Chapman

Obviously, the big tax news in this Legislative session was the Governor's proposal to phase out the state income tax. See HB3300. His proposal was amended multiple times in bills from the House and Senate and was lauded and criticized by groups on both sides of the debate about whether eliminating the income tax would bring thousands of people to live in WV. Opponents of the plan pointed at the large hole that would occur in the budget and at the resulting increases in taxes such as sales tax, reimposing the tax on food, etc. In my opinion, the bill failed, not because the Republican majority opposed eliminating the tax, but because they couldn't agree on how to pay for it. The Governor has not committed to calling a special session to further consider the proposal, but instead plans to take it on the road to try to persuade citizens that it is in our best interest.

Other smaller tax bills were passed and are either approved or awaiting the Governor's signature. He is not expected to veto any of them.

SB 34 - Creating exemption to state sales and use tax for rental and leasing of equipment - Relates to manufacturing.

SB270 - Providing for collection of tax by hotel marketplace facilitators - Companies like Hotels.com, dictate how they have to collect and distribute taxes to the state.

SB 305 - Providing exemption from consumers sales and service tax for certain aircraft maintenance.

SB 397 - Relating to health care provider tax. Increases payments to doctors for treating Medicaid patients.

SB 437 - Extending contingent increase of tax rate on certain eligible acute care hospitals.

SB 532 - Limiting claims for state tax credits and rebates. Related to capitol investments, can only qualify for one tax credit/rebate.

SB 693 - Updating certain definitions and terms used in WV Personal Income Tax Act. Clarifies definition of "federal adjusted gross income" and "medical savings account".

SB 718 - Relating generally to Coal Severance Tax Rebate - Clarifies which capital investments qualify for tax rebate.

HB 2026 - Relating to the modernization of the collection of income taxes by adopting uniform provisions relating to the mobile workforce. Relates to entertainers, athletes, etc who work in various states, rules about withholding state tax from pay checks.

HB 2358 - Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act. Similar to SB693.

HB 2499 - Tax reduction for arms and ammo manufacturing - expands on who can get tax credits for bringing manufacturing jobs to the state.

Perhaps everyone is holding their breath in lieu of a vote by Congress on HR 1, now S 1—For the People Act, but at this time there is no evidence that legislation will survive to passage as written in the original bill. As Voting Rights and Redistricting in so many states remain in the balance, we can only continue with strategies we can create based on our available WV Laws and Rules to work toward our own fair electoral maps.

\*See Redistricting legislation beginning on page 281. •HR 1 IH 1: Subtitle E—Redistricting Reform 2 SEC. 2400. SHORT TITLE; FINDING OF CONSTITUTIONAL AUTHORITY. 4 (a) SHORT TITLE. —This subtitle may be cited as the 5 "Redistricting Reform Act of 2021".

<https://www.congress.gov/117/bills/hr1/BILLS-117hr1ih.pdf>

A West Virginia Redistricting Committee has yet to be appointed by the House Majority Leadership. The delay of the official 2020 census data until the end of September appears to have impacted progress on getting the Legislative Committee into action. One would assume that preparations are currently going on behind the scenes. We fully anticipate that the committee will be able to sponsor public hearings, as was done across WV during the last redistricting process. Those hearings could now be held virtually. <https://www.wvlegislature.gov/redistricting.cfm> Redistricting Office [https://ballotpedia.org/Redistricting\\_in\\_West\\_Virginia](https://ballotpedia.org/Redistricting_in_West_Virginia)

There were two efforts from the WV House during this session to bring the oversight of an independent commission into the WV redistricting process, but neither moved to an agenda. Though HJR 5 and HB 2549 did not make progress, there is nothing to prohibit citizens from continuing to work toward achieving fair redistricting. The WV Constitution, Article 2 sections 2-4 provides for citizen input.

<https://www.wvlegislature.gov/>

[Bill Text HTML/2021 SESSIONS/RS/bills/HB2549%20INTR.pdf](https://www.wvlegislature.gov/Bill_Text_HTML/2021_SESSIONS/RS/bills/HB2549%20INTR.pdf)

[http://www.wvlegislature.gov/Bill\\_Status/bills\\_text.cfm?billdoc=hjr5%](http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=hjr5%20intr.htm&yr=2021&sesstype=RS&i=5&houseorig=H&billdhold=JRA)

[20intr.htm&yr=2021&sesstype=RS&i=5&houseorig=H&billdhold=JRA](http://www.wvlegislature.gov/wvcode/wv_con.cfm)

[http://www.wvlegislature.gov/wvcode/wv\\_con.cfm](http://www.wvlegislature.gov/wvcode/wv_con.cfm)

Creating a balanced, non-partisan apportionment that honors all political affiliations and maintains the integrity of the unique personhood of cities, towns and communities is still possible. One would assume that the highest ethical standards would apply to avoid cracking and packing for political advantage, that WV will not fall into a situation of post districting disputes and potential accusations of gerrymandering. With access to electoral mapping software such as Caliper, Dave's Redistricting, and District Builder, citizens already have the ability to draw their own fair comparative exhibits. Current voter registration data from the office of the WV Secretary of State reflects almost equal participation in major political affiliations, and would appear to be of consequence when new maps are drawn. One would imagine that our districts would look more lavender in color than pink in political leaning.

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## REDISTRICTING WV *continued*

By Nyoka Baker Chapman

Our current House of Delegates is composed of 100 members with 23 Democrats and 77 Republicans; and of the members of the WV Senate, 11 Democrats and 23 Republicans. The statistics as of 02/28/21 note the number of registered voters' political affiliations.

WEST VIRGINIA	Democrat	Republican	Mountain	Libertarian	No Party	Other	Total
	435694	445132	2290	8894	270576	38900	1,201,486
	36.26%	37.05%	0.19%	0.74%	22.52%	3.24%	

<https://sos.wv.gov/elections/Documents/VoterRegistrationTotals/2021/Feb2021.pdf>

With updated data arriving in the form of census blocks (West Virginia has 484 census tracts, 1,592 block groups, and 135,218 census blocks) we would hopefully see more geometrically drawn district lines and far less of the meandering ones seen in the current maps drawn following the last census. The decision made by the WV Supreme Court of Appeals in favor of districting based on 'one person, one vote' in the case of *State of WV ex rel. Cooper vs. Tennant, 2/13/12*, had a profound impact on our current electoral maps. Based on the referenced 'Rule', district lines became malleable. Hopefully as districts are drawn in 2021, they will be vetted by a legal team and we will see maps that that can withstand bipartisan scrutiny. In considering the significance of the 'one person, one vote', any gerrymandered district would appear to be a violation of said Rule, which is something to contemplate.

<http://www.courts.wv.gov/supreme-court/docs/spring2012/11-1405and11-1447.pdf>.

<https://www.caliper.com/mtrnews/clients.htm>,

<https://davesredistricting.org/maps#home>

<https://www.districtbuilder.org/>

The LWVWV Fair Maps Committee met on 03/17 and was most fortunate that Dr. Kenneth Martis, Professor Emeritus from WVU; a geographer and electoral map expert; accepted an invitation to meet with us on the issue of fair maps. He voiced his respect to the committee for the bipartisan work done by the LWV. Members shared our intent to find ways of bringing citizen input into the pending redistricting process. Possibilities of mapping projects upon the release of the 2020 Census were discussed, as well as the elements involved in creating fair maps. Information was also shared from the research done by individual committee members. Dr. Martis provided many insights and with all having a mutual interest in the subject of redistricting the meeting went very well. The Committee looks forward to the opportunity of working with Dr. Martis in the future.

The LWV Fair Maps Committee will meet again on May 3<sup>rd</sup> and there are plans for a broader meeting in the weeks to come to include LWVWV members, available WV Redistricting Committee members and special guests. As the WV Redistricting Committee/Task Force has yet to be appointed, the meeting will remain to be announced. The Fair Maps committee has drafted an invitation and numerous questions for the planned meeting. If anyone is interested in submitting questions, you are welcome to do so. We will keep you posted!

Members interested in our LWVWV platform issue of redistricting are welcome to join our LWVWV Fair Maps Committee meetings! Please contact Jonathan, or you can email me at [nyokabakerchapman@protonmail.com](mailto:nyokabakerchapman@protonmail.com)

\*Just a bit more here and a must share! Herein lies a case that summarizes our current redistricting dilemmas in a nutshell. The US Supreme Court ruled 5 to 4 on 6/29/2015 in the case of Arizona State Legislature vs. Arizona Independent Redistricting commission in favor of the Commission. The opinions written by Justice Ruth Bader Ginsburg and Justice John Roberts make for a most interesting read, reflecting the same differing opinions we are still addressing today.

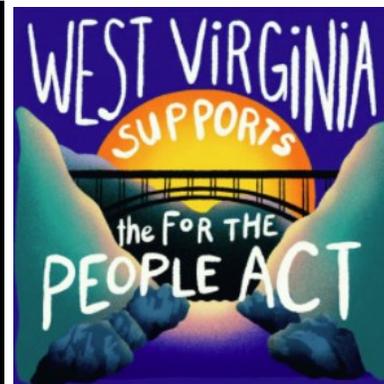
[https://ballotpedia.org/Arizona\\_State\\_Legislature\\_v.\\_Arizona\\_Independent\\_Redistricting\\_Commission](https://ballotpedia.org/Arizona_State_Legislature_v._Arizona_Independent_Redistricting_Commission)

LWV US - Redistricting Watch: What the For the People Act Means for Redistricting

[Redistricting Watch: What the For the People Act Means for Redistricting | League of Women Voters \(lww.org\)](#)

For the People Act  
LWV US Take Action: Tell the Senate to  
Support S1!

[League of Women Voters  
\(wiredforchange.com\)](http://www.wiredforchange.com)



## WEST VIRGINIA'S GREEN HORIZON

By Nyoka Baker Chapman

West Virginia is now part of the Paris Climate Agreement by default as the US is now back on board. President Biden's 'American Jobs Plan' could be WV's lifeline to achieving our part in America's commitment to meet Intergovernmental Panel on Climate Change (IPCC) guidelines. As one of the top carbon emitters in the US per capita, WV has an important obligation to meet climate change goals. 10 gigatons of world-wide carbon emissions annually will need to be captured, stored and/or transformed to meet global plans for zero-carbon emissions by 2050!

With the passage of the 'American Rescue Plan' funding allocations are already being distributed to respective states. WV received \$4 billion dollars. You can see a complete breakdown of disbursements on Senator Joe Manchin's website. These funds are a godsend to issues on the LWVWV platform list with money going to education, housing and food assistance, broadband and disbursements directly to counties, cities and municipalities that will bolster projects in our immediate neighborhoods to make investments to achieve cleaner water, updated sewer systems, infrastructure transformations to create greater energy efficiency and more. A portion of the noted funds will go directly to the WV Dept of Transportation, and an amount of \$1.26 billion will go directly to WV state government and the legislature. <https://www.manchin.senate.gov/arp>.

President Biden's 'American Jobs Plan' is a laundry list of progress. If passed, this next phase of legislation would jumpstart plans for clean energy manufacturing through federal procurement to move markets toward fulfilling goals to achieve net-zero emissions by 2050. Opportunities for growth for WV from the passage of this plan would be immense. Not just repairing and rebuilding infrastructure to support essential modernization, but doing so in a way that will provide just transitions with focus and respect to racial equality. Preserving and retrofitting existing government buildings, schools, public housing, child care facilities and hospitals into more energy efficient structures in many cases powered by green energy sources will be a job builder unlike ever before. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/>

Green Energy Technology could bring new sources of revenue into our state that could work in tandem with the existing fossil fuel industry. Though many carbon-capture projects have failed in the past due to issues of unprofitability and poor storage solutions, a number of companies have now made big strides. Exxon Mobile and Chevron's Blue Planet have made genuine advances, as well as a number of new companies like Australia's Mirreco, British company Deep Branch Biotech, US company Hexas Biomass, Canadian company SEE O2 Emissions, and US company Carbonfree Chemical to name a few. The Saudi Arabian Company ARAMCO has even developed mobile carbon capture units. International competition in carbon capture technology, utilization and storage (CCUS) has become a corporate competition as all know that this is a race to meet international demand. Elon Musk's

XPRIZE has even offered multimillion dollar prizes for the best carbon capture technology. We could see not just functional carbon capture and storage solutions, but accessible processing to convert CO2 via carbon mineralization to carbonate to create building materials or conversions to other forms of energy in new projects right here in West Virginia over the span of this decade.

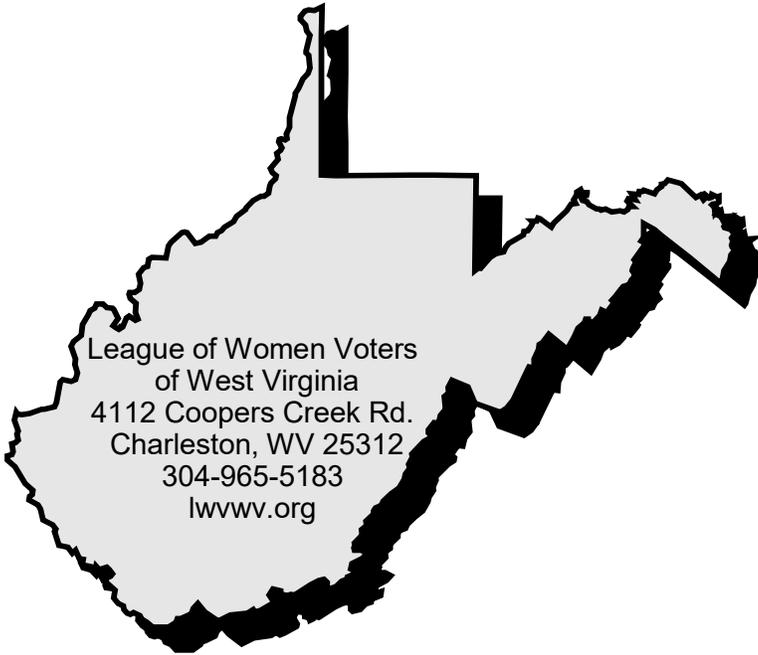
<https://www.startus-insights.com/innovators-guide/5-top-carbon-capture-storage-startups-impacting-the-energy-sector/>  
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<https://www.blueplanet-ltd.com/>

The LWVWV has joined the WV Climate Alliance, and is now in partnership with a coalition of almost 20 other WV organizations that share our Natural Resources platform. This partnership allows us to forward information and 'take actions' that support clean air, safe drinking water and the behemoth task of meeting climate change goals in WV. The alliance was created in 2020 and their goals for legislation addressing climate change can be found on their Facebook page. The coalition has already had Q & A meetings with members of Senator Manchin's staff in February, and a point person from Senator Capito's office in March. Discussion of Just Transitions for communities that live in proximity to the fossil fuel and petrochemical industries; addressing the needs of fossil fuel workers that they are not left behind in the wake of a green transition; ensuring that emissions of greenhouse gases are reduced by a level that scientists have determined necessary in order to avoid the worst impacts of climate change; the need for capping of thousands of methane emitting abandoned gas wells; CCSU; infrastructure for electrical grids that accommodate clean energy from different sources and plans for oversight have been at issue. Another meeting with Senator Manchin and or his staff is to be announced soon. Jessica Arriens of the National Wildlife Federation met with the group on 4/19 to discuss President Biden's plans for infrastructure. On Earth Day 4/22, The WV Climate Alliance held a very informative meeting via Facebook/Zoom with the theme of Act Globally/Act locally. A recording is available on their webpage. <https://www.facebook.com/WVClimateAlliance/> Local Leaders from around the state shared struggles and success stories of energy efficiency and clean energy projects that have not only saved thousands of dollars but managed to educate and provide energy saving opportunities for their local residents. There is clear evidence that green policies and energy efficiency methods have already been making a difference in WV Communities, which makes federal funding directly to the grassroots level perfectly logical!

Though West Virginia is a state that is not currently producing legislation to curb climate change, nothing is stopping citizens from working full force to meet climate change goals NOW! These are voters that will become increasingly hard to ignore!

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Teresa Koon  
 Editor

**JOIN THE LEAGUE!** The League of Women Voters is a nonpartisan organization that encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. **If you live in Cabell, Jefferson, Monongalia, or Wood County, please contact the local League in those counties.** To join at the state level, send a check or money order payable to LWVWV to: Teresa Koon, Treasurer, LWVWV, 4112 Coopers Creek Rd., Charleston WV 25312. Dues are \$40 for individuals, \$60 for a household, and \$20 for students. Because we are a lobbying organization, membership dues are not tax-deductible.

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