



# THE WEST VIRGINIA VOTER

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## 2013 Legislative Priorities

The Board of Directors of the League of Women Voters of West Virginia has selected the following issues as its advocacy priorities for the 2013 legislative session:

### ***1. The LWVW supports the expansion of Medicaid under the Affordable Care Act.***

The passage of the 2010 federal Patient Protection and Affordable Health Care Act (ACA) brought passionate pro and con arguments about the Act. The League supported the passage of the law because it extends health care insurance to more than 30 million Americans, protects the coverage that currently delivers care to most, contains essential elements to reduce costs over the long term, and accomplishes these goals at a reasonable cost. Through increased eligibility for federal payments for Medicaid and the establishment of state insurance exchanges, West Virginia has the possibility of increasing insurance coverage to more than 184,000 adults, predominantly low-income working adults.

A key element of the Affordable Care Act (ACA) is the expansion of Medicaid to nearly all individuals with incomes up to 138 percent of the federal poverty level (FPL) in 2014 (\$15,415 for an individual; \$26,344 for a family of three in 2012). Medicaid currently provides health coverage for over 60 million individuals nationally, including 1 in 4 children, but low parent eligibility levels and restrictions in eligibility for other adults mean that many low income individuals remain uninsured. The ACA expands coverage by setting a national Medicaid eligibility floor for nearly all groups.

Medicaid does not cover many low-income adults today. To qualify for Medicaid prior to health reform, individuals had to meet financial eligibility criteria and belong to one of the following specific groups: children, parents, pregnant women, people with severe disability, and seniors. Non-disabled adults without dependent children were generally excluded from Medicaid unless the state obtained a waiver to cover them. The federal government

sets minimum eligibility levels for each category, which are up to 133% FPL for pregnant women and children but are much lower for parents (under 50% FPL in most states). States have the option to expand coverage to higher incomes, but Medicaid eligibility levels for adults remain very limited.

The federal government will cover 100 percent of the states' cost of covering newly eligible Medicaid beneficiaries from 2014 to 2016 and will then phase down its federal contribution to 90 percent by 2020. Coverage for previously eligible Medicaid beneficiaries will continue to be financed through a matching system between the states and the federal government which currently ranges from 50% to 74% federal funding.

If West Virginia lawmakers don't approve Medicaid expansion, everyone suffers. State health programs will continue to be strained. Hospital emergency rooms will still be overwhelmed with the uninsured. And West Virginia will lose out on the economic boost from all those new health-care dollars. The expansion of coverage will make many low-income adults newly eligible for Medicaid and reduce the current variation in eligibility levels across states. The expansion of Medicaid has the potential to significantly reduce the number of uninsured West Virginians and provide them with the health coverage they deserve.

*Information taken from the Kaiser Commission on Medicaid and the Uninsured.*

### ***2. The LWVW supports regulation of all extractive industries to protect West Virginia's people and environment, including land, water, and air, and supports adequate funding for enforcement.***

The extractive industries account for many jobs and a substantial tax income for West Virginia. But they often leave us with both human health and environmental problems. At times, the state executive and legislative branches fail in their responsibilities to protect our people and the environment. Here are a few examples of where positive action should be taken:

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**Rules:** The DEP proposes water quality standards after input from all the stakeholders, but sometimes the legislature steps in to gut the rules. We want our legislators to protect our land, water, and air from pollution.

**Underground Disposal of Coal Slurry:** For a number of years there have been efforts to prohibit new permits for the underground injection of coal slurry and phase out existing coal slurry injection operations. A bill introduced last year would have provided a tax credit to industry to assist in the transition to new technology to reduce and/or eliminate coal slurry. Unfortunately, it was defeated.

**Timbering on public lands:** Periodically bills are introduced to add protections for our state forests and other public lands with mandated best-management practices. Such mandates would protect our watersheds, endangered species, and places with historical value. Wise stewardship of our state forests and waters would be forward-looking legislative action.

**Regulating the extractive industries:** Far too often the control of pollution from mining comes from successful citizens' suits rather than from the Department of Environmental Protection's regulatory powers. A group successfully sued Alpha Natural Resources over high levels of selenium in discharges from coal mines. The company will be required to build treatment facilities for selenium because the level of selenium in the discharges is extremely toxic, causing reproductive failure and deformities in fish and other forms of aquatic life. Selenium also can cause damage to the kidneys, livers, and nervous and circulatory systems in humans. The DEP should have required stronger controls on selenium in the first place.

**Natural Gas:** With the growth in demand for natural gas, we must ensure that the rules and regulations adequately protect our land, water, and air. Rules recently passed by the Legislature are less stringent than hoped for. We need to continue to evaluate the strengths and weaknesses of this legislation and support adjustments where needed.

### ***3. The LWVWV supports measures that will encourage energy efficiency, such as energy efficiency resource standards and least cost planning.***

Adopting an Energy Efficiency Resource Standard (EERS) would require utility companies to provide programs to their customers to help them save money on their utility bills by making their homes, businesses and buildings more energy efficient. The EERS will set a timeline

for achieving energy efficiency and demand response goals. Energy efficiency and demand response programs could be administered by our electric and natural gas utilities, or the legislature could set up a third party agency to administer the programs (as has been done with great success in Vermont, Oregon, and other states).

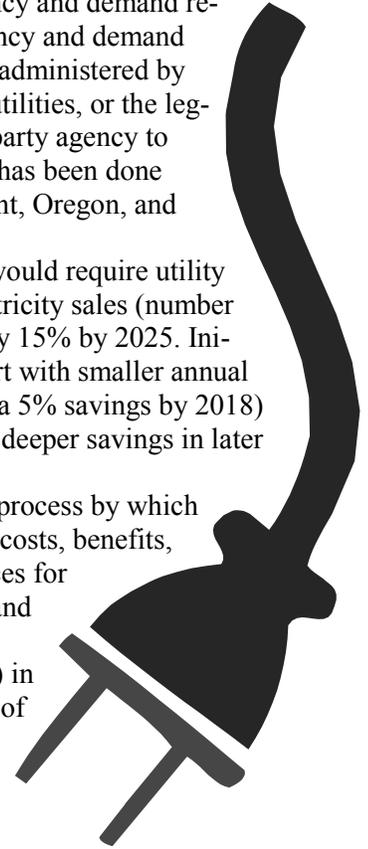
The proposed standard would require utility companies reduce 2010 electricity sales (number of kWh) and peak demand by 15% by 2025. Initially the program would start with smaller annual reduction targets (achieving a 5% savings by 2018) and then ramp up to achieve deeper savings in later years.

Least-cost planning is a process by which electric utilities evaluate the costs, benefits, and risks of different resources for meeting electric power demand (including traditional power plants and energy efficiency) in an effort to arrive at the mix of resources that will meet future demand at the lowest cost while still providing reliable electric service.

We support legislation that would:

- Require the Public Service Commission to establish guidelines for least-cost planning;
- Require the state's major electric utilities (Appalachian Power, Mon Power and Potomac Edison) to file a least-cost plan by the end of the 2012 and every two years thereafter; and
- Require the Commission to review the plans to ensure that they are in the public interest.

The plans will not be binding but the utilities will have to justify deviations from the plans to the Commission. Twenty-seven states have a least-cost planning process (also known as an integrated resource planning process). A twenty-year planning horizon is most common among states with a least-cost planning process. The recommendations in a least-cost plan are not binding, but the utility would have to justify to the Commission why any departures from the plan were prudent and reasonable.



#### 4. *The LWVWV supports extension of the Supreme Court of Appeals Public Financing Pilot Project through the 2016 General Election.*

A year ago the statement in the *Voter* in support of funding for the WV Supreme Court Public Campaign Financing Pilot Project said:

Imagine an election in which voters know that a candidate is beholden to no one but the voters, a campaign in which the candidate can devote all of his or her time to communicating with voters and none of it raising money, and an elected justice about whom citizens have no basis for wondering if donors might have influenced a decision.

This year it's not imaginary. One of the candidates who ran for one of the two open seats in 2012 chose public financing, running in a field that included an incumbent (re-elected) and another candidate who both spent considerably more on their campaigns than has been usual in WV Court elections. The "clean" candidate won despite spending less and despite a court ruling that prohibited him from receiving the matching funds provided in the original bill. The Court further (and rather unusually) said that he was then free to accept contributions, but this happened so close to the election that he received only a small amount of additional money.

We who support public financing call this a victory. A candidate who did not have to go begging for money, who is beholden to no one but the voters, who didn't have the personal wealth to spend unlimited amounts on a campaign, and who was hugely outspent. And he won.\*

Unfortunately, the Pilot Project legislation provided that the project end this year. Supporters of public financing believe the project demonstrated that public financing worked and was voter-approved. We also believe that one election was not enough to prove its worth, particularly an election in which some candidates were able to invest considerable personal wealth in their campaigns. We feel that it takes more than one election for many voters to become familiar with and embrace a new way of funding campaigns. **Therefore, we are encouraging the 2013 Legislature to take up and adopt a bill that would continue the project through at least one more election cycle.** (2016 is the next time a court seat will be on the ballot.) There is still money in the fund to continue the project, so it would not be starting from scratch.

The League will continue to work with the Citizens

for Clean Elections coalition to lobby for passage of a bill to continue public financing for candidates for the WV Supreme Court of Appeals.

*\*The League's support for public financing does not imply advocacy for or against a particular candidate or party.*

#### 5. *The LWVWV opposes the adoption of Voter ID laws in West Virginia.*

The League is opposed to changing West Virginia's election laws to require that voters show photo identification at the polls in order to vote. We believe that this is a solution in search of a problem.

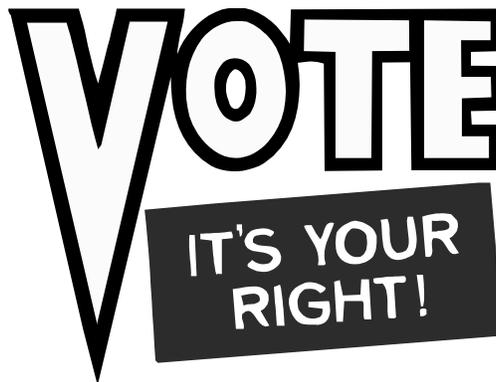
There is little to no evidence that ineligible people are attempting to fraudulently register or vote. If laws currently in place are followed, there is little opportunity for an ineligible person to succeed in voting. People who register to vote in WV are already required to show proof of

residence when they register or the first time they vote if they have registered by mail. Registrants must affirm that they are citizens and of legal voting age. (See registration requirements on the WV Secretary of State's website: [www.sos.wv.gov](http://www.sos.wv.gov)) Voters' signatures are compared to the registration book at the polling place. (In a few cases where someone has attempted to demonstrate alleged fraud by registering their dog to

vote by (illegally) mailing in a registration form in the dog's name, there's no record of any instance in which the dog was duly registered and allowed to vote.)

Indeed this "solution" to a non-existent problem presents problems of its own. Studies have shown that as many as 11% of eligible voters lack the kind of photo ID required by typical voter ID proposals. The process of obtaining an acceptable form of identification may involve considerable cost and inconvenience, even for people who have been voting legally for decades. This burden falls unfairly on the poor, the elderly, and minority groups who are less likely to have a photo ID. The idea of having to have certain documents may discourage some people from even attempting to register and vote. Our goal should be to promote more participation in elections. At their best, Voter ID laws are burdensome for many. At their worst, they are voter suppression.

Proponents of Voter ID will argue that people have to show ID to cash a check or board a plane, so why not to



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vote? A distinction must be made between things that are privileges and those that are rights as a citizen. The fact that some people choose not to or are unable to avail themselves of these privileges should not affect their right to vote.

Lawmakers are rightly concerned that elections be fair and honest. Election problems across the nation in recent decades have arisen from many sources: election workers who were not sufficiently trained to follow existing law, officials who knowingly disregarded the law, poor ballot design, faulty voting equipment, excessively long lines at polling places, failure to keep voter registration rolls up-to-date, and people trying to illegally influence the votes of others. All of these deserve attention. None of them is remedied by a voter ID requirement.

*For more information about Voter ID and other election issues, see the Voting Rights/Elections section at [www.brennancenter.org](http://www.brennancenter.org) and elections information under "Our Work" at [www.lwv.org](http://www.lwv.org).*

## Program available ...

The Huntington LWV prepared a program on "How Amendments to the Constitution and Laws Changed the Rights of People to Vote in the US." The program includes both narrative and dramatic presentations emphasizing how disenfranchised people achieved the right to vote. The Huntington League performed the program for Huntington High School students, a group of clubs, and League members. If you are interested in receiving the program via email, contact Helen Gibbins at [gibbins@frontier.com](mailto:gibbins@frontier.com). Both a narrative and Power Point are available.

## LWVWV joins EEWV coalition ...

Energy Efficient West Virginia is a group of concerned West Virginia residents, businesses and organizations who have come together to promote energy efficiency among residential, commercial, and industrial customers in our state. It is active in advocating for energy efficiency at the Public Service Commission. Conni Lewis, a Charleston member-at-large, represents the LWVWV on Energy Efficient WV's coordinating committee.

## LWVUS supports gun control

On January 10, 2013, LWVUS president, Elisabeth MacNamara, sent the following letter to Vice President Joe Biden outlining the League's position on control:

The League of Women Voters of the United States has a long standing position, reached by consensus of our members, in support of Gun Control. Since 1990, we have used this position to lobby in support of the assault weapons ban, legislation requiring all dealers to run criminal background checks at gun shows and in opposition to laws that grant special protection for the gun industry.

The League of Women Voters position on Gun Control is: *The League of Women Voters of the United States believes that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety threat to its citizens. The League supports strong federal measures to limit the accessibility and regulate the ownership of these weapons by private citizens. The League supports regulating firearms for consumer safety.*

*The League supports licensing procedures for gun ownership by private citizens to include a waiting period for background checks, personal identity verification, gun safety education and annual license renewal. The license fee should be adequate to bear the cost of education and verification.*

*The League supports a ban on "Saturday night specials," enforcement of strict penalties for the improper possession of and crimes committed with handguns and assault weapons, and allocation of resources to better regulate and monitor gun dealers.*

On behalf of our 140,000 members and supporters, we urge you to propose common sense solutions to the gun violence that is plaguing our nation. It is time to advocate for measures that will ban assault weapons, place limits on magazine size, close the gun show loophole and mandate annual reporting on gun violence in America. Gun control is a matter of public safety and public health.

## Follow the actions of the legislature online ...

The 2013 regular session of the West Virginia Legislature convenes on February 13. There is a variety of information available at the Legislature's website - [www.legis.state.wv.us](http://www.legis.state.wv.us):

### Bulletin Board

Access prompt information during legislative sessions through the Legislature's Calendars, Meetings, Abstracts, Indexes and Journals.

### Blog - Today in the Legislature

Read an up-to-date summary of daily legislative activities.

### Wrap-up

The Legislature's official newsletter is published weekly throughout each regular session and contains summaries of bills and other legislative actions.

### Streaming Audio

Listen to the Legislature live. Streaming audio is available for House and Senate floor sessions as well as the House Education, Finance, Judiciary and Government Organization Committees and the Senate Finance and Judiciary Committees.

You can keep abreast of bills by using the Bill Tracking and Bill Status features. Legislators' addresses, telephone numbers and e-mail addresses are also available at the site.

## Local League News

- The December 2012 meeting of the **Morgantown-Monongalia Co. LWV** featured a presentation on the Affordable Care Act by Renate Pore, Health Policy Director with the WV Center on Budget and Policy. The League is also a co-sponsor of a town hall meeting in February about the ACA and its effects on women and their families.
- The **Huntington Area LWV** presented a play written by member Elinore Taylor at its January 2013 meeting. The play, entitled "Cassandra," portrays the reaction of neighbors to mountaintop removal mining. The movie "Climate of Change" was also viewed at the meeting. It focuses on environmental action by communities worldwide.
- January was also movie night for the **Wood County LWV**. Members were treated to popcorn and drinks while watching "Electoral Dysfunction," a documentary that uses humor and wit to take an irreverent, but nonpartisan, look at voting in America.
- The **Jefferson Co. LWV** sponsored a "Lunch with Legislators" on February 2. The event allowed members and legislators to interact and discuss issues of interest. Jefferson Co. added nine new members in 2012.

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### Calendar

February 13	First day of legislature
February 6-7	Women's Day at the Legislature
February 14	Happy Birthday LWVUS!
March	Women's History Month
April 13	Legislature adjourns
May 3	LWVWV Board Meeting
May 4	LWVWV State Convention

**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 Road, 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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