



Black lung is great divider

Miner health advocates, industry spar over Inflation Reduction Act

By **MIKE TONY**
mtony@hdmcdiallc.com

On one side are coal companies decrying what they view as an existential threat.

On the other side are black lung-afflicted coal miners fighting for their lives.

A clear divide between the coal industry and miner advocates has emerged in the debate over a federal clean energy and tax reform package that would help stabilize the trust fund that pays federal benefits to miners.

Black Lung Association leaders across West Virginia have urged Sen. Joe Manchin, D-W.Va., to support a budget reconciliation package that shores up the Black Lung Disability Trust Fund for the past year.

Now that Manchin did just that last week with the Inflation Reduction Act, the coal industry is pushing back, objecting both to its restoration of the coal production tax supporting the black lung trust fund and its provisions rewarding renewable energy development.

“This legislation is so egregious, it leaves those of us that call Senator Manchin a friend, shocked and disheartened,” a coalition of eight pro-coal associations that includes the West Virginia Coal Association said in a statement released Wednesday.

Manchin prioritized touting what he argued would be benefits for the coal industry stemming from the Inflation Reduction Act on Thursday.

The senator held a news conference with West Virginia reporters in which he highlighted

the bill’s investment in carbon capture technology championed by the coal industry.

Hours later, Manchin’s office released a letter to West Virginia Coal Association president Chris Hamilton in which he defended the bill, noting that it would increase a carbon capture tax credit and observing that coal jobs nationwide decreased about 25% over the course of West Virginia Coal Association-backed Donald Trump’s presidency.

SEE **MINERS, 8A**

W.VA. SCHOOLS

Morrisey sidesteps mid-level court

AG, parents go to Supreme Court on voucher ban

By **RYAN QUINN**
ryan.quinn@hdmcdiallc.com

In the ongoing nonpublic school vouchers case, Attorney General Patrick Morrisey is now trying to skip West Virginia’s new Intermediate Court of Appeals.

This is the court’s first case. Critics of the new body said it would bog down litigation, but Republicans passed it into law in 2021, with some Senate Democrats supporting them.

Last month, Kanawha County Circuit Court Judge Joanna Tabit struck down the vouchers program. Parents had previously been set to start receiving the money, about \$4,300 per participating child each year, by Aug. 15.

Morrisey, a Republican, asked the Intermediate Court to quickly lift Tabit’s block on the program, at least while Morrisey’s office appealed to the new court to overturn Tabit’s ruling against the vouchers. On Tuesday, the Intermediate Court rejected that request to stay Tabit’s ruling during the appeal.

Next, Morrisey and two mothers who want the vouchers asked the West Virginia Supreme Court for a stay. But Morrisey went further Thursday, asking the justices to also go ahead and hear the full appeal, skipping the Intermediate Court.

“The clock continues to tick down on these families,” his office wrote in the filing. “In circumstances like these, this Court should undertake direct review and hear this case without forcing it to work its way through an additional layer of appellate review.”

“Given that even fast appellate litigation will create hardship for the thousands of West Virginia students stuck waiting in the meantime, the Court should exercise its discretionary power to hear the case, on the merits, now,” his office wrote. “It is within this Court’s authority to take up the appeal and resolve it in time for families across the State to get at least some of the scholarship funds the Hope Scholarship Act promised this school year. The State respectfully urges that it should.”

The program, called the Hope Scholarship, was open to all rising kindergartners whose parents diverted them from public schools and to all older

SEE **VOUCHERS, 8A**

A TASTE FOR LEARNING



Victoria Russo of Charleston (left) samples the pea pesto sausage crostini made by Carver Culinary students Beck Huffman (second from left) and Bradley Clark, with their instructor, Mandy Gum (right), at the Community Culinary Showcase fundraiser Thursday at the Charleston Coliseum & Convention Center. Guests at the showcase had the opportunity to watch local chefs and cooks prepare signature items and get tips from the experts.

CHRIS DORST | Gazette-Mail

Justice lauds Saudis over LIV Golf and The Greenbrier

By **LACIE PIERSON**
lacie.pierson@hdmcdiallc.com

Jim Justice holds many titles.

It isn’t clear whether he was working as operations adviser for Greenbrier Hotel Corp. or as the 36th governor of West Virginia when LIV Golf CEO Greg Norman told a Gazette-Mail reporter he was on his way to “meet with the governor” Wednesday morning.

While officials with The Greenbrier confirmed that Norman was at the resort as part of consideration to host a LIV Golf event there, Justice has stopped short of confirm-

ing whether he met with Norman.

When asked Thursday, Justice said his daughter, Jillean Justice Long, who is president of Greenbrier Hotel Corp., and her husband, Adam, had been “really involved” in discussions with the months-old league to host a tournament at The Greenbrier’s Old White course.

“Greg Norman is a class-act guy,” Justice said. “Anyone that knows him knows that.”

The West Virginia Ethics Act prohibits public officials and employees from “knowingly and intentionally us[ing] his or her office or the prestige of his or her office for his or her own private gain or that of

another person.”

Justice listed himself as “operations adviser” for Greenbrier Hotel Corp. on his financial disclosure form filed with the Ethics Commission in January. He also listed governor and being head coach of the Greenbrier East High School girls basketball team on the form.

Long, her husband and her brother, James “Jay” Justice III, are listed among the officers of Greenbrier Hotel Corp. on the secretary of state’s website.

Even though Long serves as president of

SEE **GREENBRIER, 8A**

US judge Chambers: West Virginia’s Medicaid must cover transgender care

By **JOHN RABY**
The Associated Press

West Virginia’s Medicaid program must provide coverage for gender-confirming care for transgender residents, a federal judge ruled.

U.S. District Judge Chuck Chambers in Huntington made the ruling Tuesday in a lawsuit filed by LGBTQ interest group Lambda Legal over treatments for gender

dysphoria. Chambers said the Medicaid exclusion discriminated on the basis of sex and transgender status and violated the Equal Protection clause of the 14th Amendment, the Affordable Care Act and the Medicaid Act.

Chambers certified the lawsuit as a class action, covering all transgender West Virginians who participate in Medicaid.

“Protecting and advancing health care for transgender people

is vital, sound, and just,” Lambda Legal attorney Avatara Smith-Carrington said in a statement. “Transgender West Virginia Medicaid participants deserve to have equal access to the same coverage for medically necessary healthcare that cisgender Medicaid participants receive as a matter of course.”

The original lawsuit also named state employee health plans. It was filed on behalf of Christopher Fain, who was denied coverage for his

testosterone prescription under Medicaid, and Zachary Martell, who is married to a state employee with health care coverage. Both Fain and Martell were denied coverage for a bilateral mastectomy.

Last September, two plaintiffs were added to the lawsuit. Transgender women Shauntae Anderson and Leanne James were denied coverage for gender-confirming care, according to the lawsuit.

Anderson is enrolled in a Medicaid plan and James was enrolled in a Public Employees Insurance Agency health plan offered by the state.

A settlement with The Health Plan of West Virginia Inc. earlier this year led to the removal of the exclusion on gender-confirming care in that company’s PEIA plans. Remaining claims involving PEIA were dismissed after James died in February, Lambda Legal said.

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