



WRAP-UP

The Newsletter of the West Virginia Legislature

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A Bold Few Blaze the Legislative Trail For Many

by Jaelyn Jeff

During a special session in March 1920, the West Virginia Legislature passed a resolution by a vote of 47-40 in the House and 16-13 in the Senate giving women the right to vote. West Virginia became the 34th state to pass such a resolution. The resolution came after nearly 15 years of activism from various women's rights organizations such as the West Virginia Equal Suffrage Association, led by Lena Lowe Yost. After her successful push for women's suffrage in the state, Yost became the first woman appointed to preside over a state party convention.

A few months after the passage of the amendment in West Virginia, the 19th amendment to the United States Constitution was ratified, giving all women in the country the legal right to vote.

“ There never will be complete equality until women themselves help to make laws and elect lawmakers. ”

– Susan B. Anthony

Women not only received the right to vote but also the chance to become publicly involved in government and politics in West Virginia and all around the country. Before the ratification of the 19th amendment, women were not allowed to run for office under Article 4, Section 4 of West Virginia's Constitution because they did not have the legal right to vote.

Two years later, in 1922, the first woman was elected to the West Virginia Legislature. Anna Johnson Gates served as a delegate from Kanawha County for one term. While a member, Gates served as the Chairperson of the Committee on Arts, Science and General Improvements,



Delegate Anna Gates

another first for a woman. Her appointment to the position showed that a woman could serve in a decisive manner. During her first speech as a member of the Legislature, Anna Gates stated, “Women in most states are awakening to their political responsibilities. The women do not urge the election of women as women, but believe women should be represented in office, and only ask for cooperation.” Other women began to heed her advice and run for office.

Minnie Buckingham Harper, from McDowell County, was the first African-American woman to serve in the Legislature, having been appointed to the position after the death of her husband Delegate E. Howard Harper. It wouldn't be until 1950 when the first African-American woman was officially elected to the state legislature. Elizabeth Simpson Drewry, from McDowell County, served in the West Virginia Legislature for six terms. During her service, Drewry introduced numerous bills calling for changes in the school system and health care for women. She also sponsored the 1955 resolution that would allow women the right to serve on juries. Women were finally given this right throughout the state in 1956 thanks in large part to the women representing them in the state legislature.

The first woman officially elected to the West Virginia Senate was Betty H. Baker, from Hardy County in 1966. Baker had been appointed to the Senate the year before when her husband, Senator Donald Baker died. After finishing out the term, Baker decided to run for re-election and won. During her service in the Senate, Baker earned the respect of her fellow male colleagues because of her strong work ethic in committees, and was appointed to chair the Senate Agriculture Committee. It has been almost 90 years since women were given the right to vote as well as to run for public office. Yet even with the right to vote, women have had to struggle to be seen as serious members of mainstream politics and government. Clare Boothe Luce, a successful playwright as well as diplomat, said in 1905, “Because I am a woman, I must make unusual efforts to succeed. If I fail, no one will say, she doesn't have what it takes. They will say, women don't have what it takes.”

Since Delegate Gate's term in 1922, almost 200 women have served in the West Virginia Legislature. Today, there are two in the Senate and 17 in the House. The 78th Legislature, which began last year and runs through this session, also marks another first for women as two delegates have been appointed chairpersons for two major committees. Delegate Mary Poling, from Barbour County, chairs the Education Committee and Delegate Carrie Webster, from Kanawha County, chairs the Judiciary.



Senator Betty H. Baker

Delegate Anna Gates photo courtesy *The West Virginia Blue Book, 1924*; Senator Betty H. Baker photo courtesy *The West Virginia Blue Book, 1967*.



In the House

As of 4:00 p.m., Wednesday, January 23, 2008 the 14th day of the 78th Legislature, 787 bills have been introduced in the House of Delegates. Of these, a total of six have passed the House and will go to the Senate for its consideration. Some of the bills passed this week include:

House Bill 2020 would require mine operators to post notice of hazardous chemicals and lead exposure to their employees. The bill would also require the Director of Miner's Health, Safety and Training to adopt a list of these hazardous chemicals and to also compile safety information about these substances. Those in violation of this bill would be charged with a misdemeanor and fined not less than \$100.

House Bill 2104 would ensure a victim's right to testify in the sentencing of a criminal case. Currently, victims have the right to give a victim impact statement prior to a sentencing after receiving notice of the date for sentencing. This bill would call for the courts to postpone a sentencing hearing in the event that the victim has not been given proper notice. The prosecuting attorney or assistant prosecuting attorney is responsible for providing a

victim with proper notice. However, if a victim is given proper notice and still fails to make known to the court their desire to testify, the judge has the ability to continue on with the sentencing hearing process.

House Bill 2402 would prohibit a person from impersonating a public official by copying or imitating the markings of a public agency or official on a motor vehicle. This bill also sets out a detailed definition of "impersonation."

House Bill 2503 would allow West Virginia citizens to possess both a Division of Motor Vehicles issued identification card and a valid West Virginia driver's license, which is not allowed under current law.

House Bill 4010 would remove term limitations for members on the board of library directors. Currently, the term limit is two consecutive terms.

A Sampling of Bills Introduced In the House

House Bill 4089 would call for the redistricting of the House of Delegates. Currently there are 58 districts in West Virginia, some with one representative, some with multiple. This bill would redistrict the House into 100 districts, each with one representative. This redistricting would go into effect after the 2010 census.

House Bill 4093 would establish the Special Aircraft Property Valuation Act, which states that the value of an aircraft owned or leased by commercial airlines, charter carriers, private carriers, private companies or private firms, for taxation purposes, would be its salvage fee. A county assessor would determine whether or not an aircraft is subject to this act.

House Bill 4094 would provide compensation for state agencies. Any employee that receives job, educational or professional development training courtesy of the state would have to repay those expenses upon terminating employment with the state.

House Bill 4095 would create the West Virginia Global Warming Impact Commission. The purpose of this committee would be to study the impact of global warming on the state of West Virginia. The commission would consist of two members from the Senate, to be appointed by the President, and two

delegates appointed by the Speaker. Seven members of the public who have expertise in climatology, West Virginia's economy, land management or maintenance of natural resources and tourism industries would also serve on this committee. The President of the Senate and the Speaker of the House would jointly appoint these public members.

House Bill 4097 would provide retention salary increases for Division of Corrections and Division of Juvenile Services employees. These salary increases would be based on how long an individual continues service with a particular division. On July 1, 2008, every employee that has worked in these divisions for two continuous years would receive a raise of \$1,000. When an employee has worked for five consecutive years, he or she would receive another \$1,000 raise as well as an additional \$1,000 raise every three years thereafter.

House Bill 4102 would prevent parents and guardians from allowing violent sex offenders and registered child abusers access to their children. To do so would be considered a form of child abuse under this bill. The exception would be if a parent or guardian couldn't avoid contact with one of these individuals because that individual is a family member.

House Bill 4105 would limit the per diem rate in regional jails. If an inmate were not in jail for at least 24 hours, the charge would be one half of the per diem rate.

House Bill 4108 would allow county school boards to establish a four-day school week. To ensure that schools meet the 180-day-a-year requirement, school hours would be increased. Prior to implementing this four-day week, the board would consider what is best for the students, the length of the school day, the amount of time spent on a school bus each day and concerns from parents. This bill would also give boards of education the discretion to use the school building for community-based organizations that hold student support programs on the fifth day of the week. The board would also be able to request a fee from these organizations for the use of the school building.

House Bill 4118 would authorize and encourage the Alcoholic Beverage Control (ABC) Commissioner to enter into agreements of cooperation with law enforcement.

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In the Senate

As of 4:00 p.m., Wednesday, January 23, 2008, the 14th day of the 2008 Regular Session, 326 bills have been introduced in the Senate. Of those, three have passed the Senate and will now go to the House for its consideration. These include:

Senate Bill 271 would give the superintendent of the State Police the authority to propose legislative rules for grievance procedure for the State Police.

Senate Bill 272 would make a technical correction in the West Virginia Consumer Credit and Protection Act that refers to the term "telemarketing solicitation."

Senate Bill 273 would correct statutory references to existing code sections authorizing counties and cities to enact ordinances restricting the location of businesses offering exotic entertainment.

A Sampling of Bills Introduced In the Senate

Senate Bill 239 would authorize the deferment of property tax for property owned, used and occupied by senior citizens 65 years of age or older. If a senior citizen has lived in his or her place of residence for more than six months, they would be entitled to file an application to retain property taxes.

Senate Bill 240 would create the West Virginia Public Campaign Financing Act. This would establish a system for public funding of election campaigns for candidates for the State Senate and House of Delegates who agree to and abide by restrictions on campaign contributions from private sources and limits on campaign spending.

Senate Bill 241 would provide a procedure to address the unauthorized acquisition of data that compromises the security, confidentiality or integrity of personal information maintained by the data collector. Consumers would be notified of a breach of information security maintained by the data collector.

West Virginia Legislature's Web site

Designed to strengthen your connection to West Virginia's legislators and the laws that govern this state, the West Virginia Legislature's Web site provides you with access to various resources, including contact information, legislation and educational materials. The Legislature's online Bulletin Board maintains prompt information during legislative sessions through the Legislature's Calendars, Meetings, Abstracts, Indexes and Journals. Citizens also can view the entire West Virginia Code, interactive district maps, committee agendas and membership information at: <http://www.legis.state.wv.us>

Senate Bill 244 would repeal the Uniform Management of Institutional Funds Act (UMIFA) and replace it with the Uniform Prudent Management of Institutional Funds Act (UPMIFA). UPMIFA would apply to funds held for charitable purposes by nonprofit, charitable institutions. The three principal issues addressed are scope of coverage, investment obligations and expenditure of funds.

Senate Bill 248 would provide that West Virginia would not participate in the "REAL ID Act of 2005" enacted by Congress. The REAL ID Act of 2005 requires people entering federal buildings, boarding airplanes or opening bank accounts to present identification that has met certain security and authentication standards. The implication of the REAL ID Act of 2005 would require state funding to cover the costs the cards and maintenance of databases and could an increase in vulnerability to ID theft.

Senate Bill 252 would prohibit "straw purchases" of firearms. No one except an on duty law enforcement officer would be allowed to solicit a firearm dealer to buy a firearm for someone other than the actual buyer.

Senate Bill 255 would exempt the landowner, tenant or agent of the landowner from any civil liability for injuries to any persons hunting, trapping or fishing on the landowner's land with or without written permission. Any person who hunts, traps or fishes on land without permission would be guilty of a misdemeanor and liable for damages and injuries occurred.

Senate Bill 264 would authorize state agencies to provide compensation paid to employees for job-related training, education or professional development on continued employment with the state agency. A state agency that bears the cost of training for state employees would be able to seek the repayment of any losses.

Senate Bill 269 would authorize a tax credit for new teachers in critical needs areas. The State Board of Education would determine standards defining "critical needs areas" in both subject areas and geographic areas. The tax credit for the first three years of employment in such an area would equal the teachers' liability for personal income taxes. If the teacher continues to teach in a critical needs area for another five years, the tax credit would be equal to 50 percent of the tax liability.

Senate Bill 274 would provide minimum requirements relative to tethering or chaining animals, including the length and weight of chains or tethering devices, as well as other requirements, intended to protect animals from cruel treatment.

Senate Bill 278 would establish a special license for health care professionals who are retired and are donating their expertise in a clinic setting. Those who provide such services would be granted immunity from civil liability. They would not receive payment or compensation for their services, agree to participate in continuing education in their practice and provide proper documentation to obtain a special volunteer license.

Senate Bill 282 would regulate professional employer organizations and require a study as to their impact on the health insurance market. All professional employer organizations would require a license from the Insurance Commissioner to engage in business. The Insurance Commissioner would be authorized to establish licensure and other fees; forth requirements for professional employer agreements; and allocate tax credits, status, incentives and liability and requirements for workers' compensation coverage and other plans.

Senate Bill 287 would establish directed research endowment funds at Marshall University and West Virginia University for the purpose of promoting research, scholarship and economic development in certain areas of study. Private donations would be matched by the allocation and distribution of state money from the newly established West Virginia Research Trust Fund.

Senate Bill 297 would authorize the School Building Authority to issue revenue bonds

This cooperative relationship would aid in the investigation and enforcement of laws regarding the sale of alcohol. This bill would also allow the Commissioner to enter any establishment with a liquor license, as long as it is a reasonable time of day, to determine if its in compliance with state liquor laws.

House Bill 4120 would forbid persons bringing about personal injury or wrongful death actions from including specific dollar amounts in figures related to the damages in those complaints. However, any defendant in one of these actions would have the right to request a written statement declaring the damages sought.

House Bill 4124 would add CPR and First Aid training to the health education curriculum in high schools. This bill would apply to public, private and denominational schools. Curriculum requirements for these courses would be adopted by the state Board of Education after consulting the Department of Health and Human Resources.

House Bill 4139 would allow individuals with impaired vision to obtain a Class G driver's license. This license would allow vision-impaired individuals to operate a motor vehicle with the assistance of a bioptic telescopic device. These newly licensed drivers would have to complete a series of tests and training prior to being allowed to drive on the roads without an instructor. They would also be required to have an annual vision exam.

House Bill 4142 would call for increased efforts to track individuals who use prescription drugs for reasons other than the intended use. The bill would require pharmacists to conduct inquiries through the West Virginia Board of Pharmacy's Prescription Monitoring Database on all patients receiving controlled substances in an effort to reduce duplicate prescriptions from multiple physicians.

House Bill 4155 would give all teachers, school service personnel and retired teachers a 6 percent salary raise. This salary raise would go into effect on July 1, 2008.

by using \$19 million in proceeds from the State Excess Lottery Fund. This increased bonding capacity would permit the School Building Authority increased capacity to build additional schools and make substantial improvements to existing schools.

Senate Bill 313 would prohibit text-messaging while operating a motor vehicle. Those in violation would be found guilty of a misdemeanor and would be fined no more than \$100 for the first conviction. Upon second conviction, the person would be fined no more than \$200 and no more than \$500 upon a third conviction.

Senate Bill 316 would create the Joint Parenting Act, which would establish a presumption of joint legal and physical custody of children in child custody matters when parents are divorcing. It would establish procedures and criteria to be used when determining the custody of children as well as procedures addressing relocation of parents after divorce.