



WRAP-UP

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Historic West Virginia Lawmakers Highlight Black History Month

by: Drew Ross

“Those who have no record of what their forebears have accomplished lose the inspiration which comes from the teaching of biography and history.” - Dr. Carter Godwin Woodson, author, editor, publisher and historian (December 1875 - April 1950).

Known as the “Father of Black History” for his innovative efforts at weaving African-Americans into the patchwork of American history, Dr. Woodson moved with his family from Virginia to Huntington, West Virginia, when he was a young man in 1892 to seek a better life. He later turned to the mines and coalfields of Fayette County as a way to support and pay for his education.

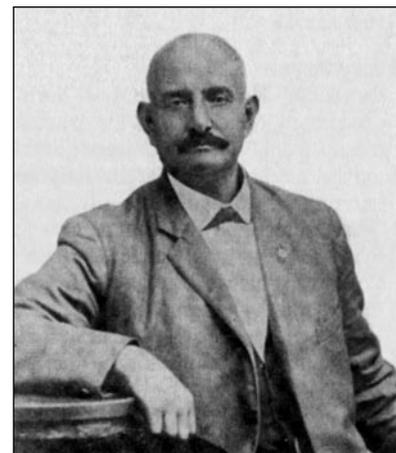
This February the nation and the state recognize Black History Month, which began as a week-long celebration started by Dr. Woodson and centered around the birthdays of President Lincoln and Frederick Douglass, two prominent Americans who strived for equality. As West Virginians take time to reflect on the accomplishments of famous African-Americans, it bears noting that there has been no shortage of trailblazers in the West Virginia Legislature.

Southern West Virginia’s black population saw dramatic increases during the late 1800s, which most likely can be traced to a booming mining industry and job opportunities for people of all ethnicities and backgrounds. Once underground and in the mines, race mattered little as miners depended on the person next to them for both safety and camaraderie, regardless of their skin color. From the burgeoning fellowship, African-Americans began having a more prominent position in state politics.

Six years prior to Dr. Woodson’s arrival in Huntington, voters in West Virginia elected the first African-American to the State Legislature, Christopher Payne, a Republican delegate from Fayette

County. Mr. Payne would later, as a result of his loyalty to his party, be appointed to several federal positions before being named by President Theodore Roosevelt to serve as Consul General of the Danish West Indies (present-day Virgin Islands).

On January 10, 1928, more than 40 years after Mr. Payne made West Virginia history, Governor Howard Gore made national history. Upon the death of Delegate E. Howard Harper, a Republican from McDowell County, the Governor appointed Mr. Harper’s wife, Minnie Buckingham Harper, to his seat, making her the first African-American woman to become a member of any legislative body in the United States. She served on the House committees on Federal Relations, Railroads and Labor and did not run in the state legislative elections held later that year. She provided the inspiration and possibly the motivation for other women of color to embark on their own legislative journeys.



Delegate Christopher Payne

It would be more than 20 years, however, before another African-American woman walked the halls of West Virginia’s Legislature. During the elections of 1950, voters in McDowell County elected Elizabeth Simpson Drewry to the House of Delegates, making her the first African-American woman elected to the Legislature. She was extremely active in her role as delegate and a strong supporter of health care reform, teachers and workers.

During her tenure, she is credited with introducing several major bills, including a bill to provide compensation to the victims of silicosis, more commonly known as “black lung disease,” as well as the legislation that led to the 1956 constitutional amendment allowing women to serve on juries. She retired from legislative



Delegate Minnie Buckingham Harper

service due to poor health in 1964, having served longer in the Legislature than any other McDowell representative at that time.



Delegate Elizabeth Simpson Drewry

Some 34 years later, on November 3, 1998, another landmark was reached as Marie Redd, a professor at Marshall University, was elected to the State Senate from Cabell County. She was the first African-American of either gender to serve in the Senate, serving for four years.

See **History Month**, pg. 4



In the House

As of 4:00 p.m., Wednesday, February 7, 2007, the 29th day of the 2007 Regular Session, 916 bills have been introduced in the House of Delegates. Of those, 14 have passed the House and will now go to the Senate for its consideration. They include:

House Bill 2028 would increase the amount of the required bond of certain businesses regulated by the Division of Motor Vehicles from \$10,000 to \$50,000. These businesses include: new motor vehicle dealers, used motor vehicle dealers, house trailer dealers, recreational vehicle dealers, motorcycle dealers and used parts dealers.

House Bill 2571 would clarify the deadline for redeeming delinquent lands. Current law is vague on the exact time of payment for overdue land fees, stipulating only "before sale," and it has been a source of confusion for sheriffs throughout the state. The change would compel payment by the close of the last business day before the sale date, and it includes a requirement that affected landowners are notified in the local paper or by certified mail.

House Bill 2770 would amend current law relating to court security personnel and

would enhance penalties for certain violent acts, such as assault and battery, against court security personnel as well as define the term, "court security personnel." This bill would add that position to a list of others, such as state fire and division of forestry employees, and would adopt their provisions.

A Sampling of Bills Introduced In the House

House Bill 2783 would exempt full-time undergraduate students who attend a state public institution of higher education from paying state income taxes, and would exempt them from paying those same taxes for the first two years following the successful completion of an undergraduate program. If the graduate owes money to the institution or to a lending entity through the procurement of student loans, he or she would be required to pay a minimum sum of 75 percent of the tax liability that would have otherwise been paid in state income taxes.

House Bill 2785 would allow a law-enforcement officer to temporarily detain a criminal suspect in order to determine his or her identity and the reason for their presence in the detainment location. The detainment cannot extend beyond the immediate vicinity where it was first affected and cannot last for more than six hours.

House Bill 2786 would require the governor to fill vacancies in the positions of State Supreme Court of Appeals Justice and circuit court judge within 90 days. The bill would allow for challenges questioning the qualifications of the appointed person for a period of 20 days following the governor's nomination.

House Bill 2794 would require a preliminary breath analysis test of all surviving drivers involved in a fatal automobile accident to determine his or her blood alcohol content.

House Bill 2795 would prohibit the transportation of a loaded or cocked crossbow in a motor vehicle.

House Bill 2801 would provide a \$50,000 benefit to the families of firefighters and Emergency Medical Services personnel who are killed in the line of duty.

House Bill 2803 would prohibit a person from smoking tobacco products in a motor vehicle when a minor is present. A person

Completed Legislative Action (Week of Jan. 31 - Feb. 7, 2007)

Senate Bill 138 will repeal a section of the West Virginia Code relating to the requirement that nonresident plaintiffs post a bond to cover the costs in the magistrate courts of the state.

Senate Bill 140 relates to depositing certain monies into a magistrate court fund. The bill clarifies that the amount of \$10 in fines and fees collected in civil and criminal cases in magistrate court must be deposited into the magistrate court fund.

Senate Bill 141 will provide family court jurisdiction over sibling visitation petitions. Currently, such cases are solely within the jurisdiction of circuit courts.

Senate Bill 218 will make a supplementary appropriation of federal funds out of the state treasury from a balance of federal monies remaining unappropriated for the purpose of establishing the availability of federal funds for new and continuing programs now available for expenditure in the fiscal year ending June 30, 2007.

Senate Bill 270 will extend the time for the city council of Piedmont to meet as a levying body. This bill was considered for the purpose of presenting to the voters of the city an election to continue an additional municipal levy to maintain the existing public streets, fire hydrants and lines for the city of Piedmont and for payment of any obligation by the city due to higher costs and for the purpose of paying all costs incurred in the laying of this additional levy.

These bills now will go to the Governor for his consideration.

in violation of this law would be found guilty of a misdemeanor, and for the first offense would be fined at least \$100; for the second offense be fined at least \$100 and sentenced to three days in jail; and for the third and subsequent offenses be fined at least \$500 and lose his or her driver's license for a period of up to six months.

House Bill 2834 would require motorcycle operators and passengers under 21 years of age to wear a helmet. Drivers 21 years and older would be permitted to refrain from

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In the Senate

As of 4:00 p.m., Wednesday, February 7, 2007, the 29th day of the 2007 Regular Session, 497 bills have been introduced in the Senate. Of those, 20 have passed this week and will now go to the House for its consideration. Some of the bills include:

Senate Bill 69 would authorize the practice of E-prescribing, by which prescription orders are electronically transmitted between health care providers and pharmacists.

Senate Bill 70 would penalize contractors and subcontractors who knowingly employ workers without the proper state credentials. The penalty would include fines and the partial or complete revoking of said contractor's contracting license.

Senate Bill 96 would authorize fire department-owned apparatuses to use yellow or amber flashing safety lights.

Senate Bill 134 would require employers to submit member contributions and a summary of member contributions to the Teacher's Retirement system. This must be submitted 15 days following the end of the calendar month.

Senate Bill 166 relates to the State Teachers Requirement System. The bill would remove the requirement that an employee who is no longer disabled return to his or her former job, provide for reemployment and permit administrative hearings before disability retirement termination. The board may terminate early retirement benefits if someone has fraudulently obtained them. Jail and monetary penalties would be given for fraud.

Senate Bill 169 would require that insurance companies obtain the title to a totaled vehicle when they pay a claim to the insured or the claimant.

Senate Bill 180 would authorize the West Virginia Consolidated Public Retirement Board to give tax-free distributions from government retirement plans to pay certain premiums for health and long-term care insurance for public safety officers. The dol-

lar amount of these distributions may not exceed \$3,000.

Senate Bill 192 would allow the Commission of Corrections to issue arrest orders for persons inadvertently and improperly released. The Division of Corrections personnel may also obtain warrants for escapees under this bill.

Senate Bill 196 would clarify that the law enforcement agency that takes custody of or arrests a juvenile, would be responsible for the initial transportation of the juvenile to a detention center. Also, the bill states that the detention center would not be responsible for the juvenile if he/she is in need of medical care by a physician. If the juvenile needs medical attention, the attending physician must submit a form stating the juvenile is in suitable condition to be kept in the center.

Senate Bill 199 would create a building code authority in Raleigh County and Beckley to adopt and enforce the state building codes. The code authority would consist of five members appointed by the City of Beckley and the Raleigh Commission and would be required to be in place by July 1, 2007.

Senate Bill 208 would provide notice to the Supreme Court and the Consolidated Public Retirement Board upon a judge's retirement.

Senate Bill 354 would provide penalties to clinics, physicians, hospitals or facilities that are responsible for diagnosing or providing treatment for Alzheimer's Disease when they fail to report to the Alzheimer's Disease Registry. The West Virginia University governing board established a registry for Alzheimer's Disease, and the central database is used to assist in the development of public policy and planning. The registry is issued to prepare reports and perform studies for hospitals and clinics.

Senate Bill 360 would extend the time during which local levying bodies may meet. Each local levying body must hold a meeting or meetings between March 7th and 28th for business transactions. During the primary

election, extending the meeting time will be on the ballot for voters' approval.

Senate Bill 412 would prohibit the use of hand held cell phones by a minor while driving. Penalties would apply to those minors who are holding a level-one instruction permit or a level two intermediate driver's license.

Senate Bill 413 would clarify procedures for seizing abandoned, neglected or cruelly treated animals. If found with life threatening conditions, a licensed veterinarian would determine if the animal should be euthanized. If a magistrate is not convinced an animal was neglected or cruelly treated, the magistrate may dismiss charges and return the animal to its original owner.

Senate Bill 416 would create misdemeanor offenses for attempting to defeat drug or alcohol screening tests.

Senate Bill 435 would clarify the Consolidated Local Government Act and give the legislature authority to permit home rule for municipalities, to reform county commissions and to permit county consolidation. This would also allow municipalities and counties to consolidate and create a new executive or legislative tribunal, or both, in the form of a metro government that performs both the duties of a municipality and a county.

Senate Bill 436 would allow the County Commission on Crime, Delinquency and Corrections to use one of the group's members as secretary, relinquishing the circuit clerk of any secretarial duties for the commission.

A Sampling of Bills Introduced In the Senate

Senate Bill 417 would prohibit open containers of beer and alcoholic beverages in any area of a motor vehicle readily accessible to the driver or passenger(s). The first offense would be a misdemeanor punishable by a \$5 to \$100 fine. The second and subsequent offense would result in a felony and would carry a sentence of up to three years in a state correctional facility.

Senate Bill 423 would increase the penalties charged to minors for the use or possession of tobacco products. This bill would require minors who are convicted of a first offense to pay a \$100 fine and to serve 40 hours of community service. Mi-

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>

History Month - continued from pg. 1

Since 1896, a total of 21 black men and women have served in the West Virginia Legislature up to this past election, including 11 who hailed from McDowell County. One was Delegate Ernest “Ernie” Moore, whose tenure lasted over 20 years and who received the 1992 Distinguished West Virginian Award for his dedicated service to the state.

The progress made by each of these trailblazers is a decidedly groundbreaking component of Mountain State history -- but it’s also a reflection of the true spirit of public service. They are recognized not only for the avenues they created, but also for their countless contributions and compelling dedication to West Virginia.

Delegate Christopher Payne photo courtesy *The West Virginia Encyclopedia, 2006*; Delegate Minnie Buckingham Harper photo courtesy *The West Virginia Blue Book, 1928*; Delegate Elizabeth Simpson Drewry photo courtesy *The West Virginia Blue Book, 1961*.

In the House - continued from pg. 2

wearing a helmet only if they have had a valid motorcycle license for at least two years.

House Bill 2840 would permit people, who are legally entitled to possess an animal according to current state law, to transport that animal out of state.

House Bill 2842 would amend current state law pertaining to beverages sold or served to students in public schools. Elementary, Junior High and Middle Schools would be required to serve only “healthy drinks,” and could not serve soft drinks. “Healthy drinks” are defined as water, 100 percent fruit or vegetable juice, and reduced or low-fat milk. High Schools are permitted to sell soft drinks at any time during the day except during the breakfast and lunch periods. In addition, if soft drinks are sold, “health drinks” must be equally accessible and account for 50 percent of the total beverages offered for sale. The bill does not limit the sale or service of food or beverages during fund-raising activities when the items are intended for after-school use.

In the Senate - continued from pg. 3

nors who commit a second or subsequent offense would be charged a \$150 fine and would be required to complete 60 hours of community service. The driver's license of the minor would be revoked until age 18 and if the minor is ineligible for a driver's license at the time of conviction he/she would not have the opportunity to receive a license until age 18.

Senate Bill 429 would require counties or municipalities to receive a closure form and permission from the State Fire Marshal before closing a paid or volunteer fire department. After closure has been secured, the profits of the sale of certain vehicles from the closed department would be transferred to a special revenue account.

Senate Bill 449 would encourage public schools to implement the usage of school uniforms. It would allow uniform policies to be discussed on a school-by-school basis, and the decision to implement uniforms would be at the discretion of the school and would not be mandatory.

The West Virginia Legislature’s Office of Reference & Information

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