



# WRAP-UP

THE OFFICIAL NEWSLETTER OF THE WEST VIRGINIA LEGISLATURE

For information about your State Legislature, visit our Web site: [www.legis.state.wv.us](http://www.legis.state.wv.us)

Volume XXV, Issue 3

January 31, 2014

## MINIMUM WAGE

*Lawmakers Aim to Increase Minimum Wage \$1 Over Next 2 Years*

Many states around the nation including Ohio, New York, New Jersey, and Connecticut have taken initiative to raise their minimum wage above the national requirement and West Virginia might be following the trend.

The House of Delegates has introduced legislation that will increase the minimum wage a total of one dollar in the next two years. There is much debate statewide and nationwide on if raising the minimum

See **MINIMUM WAGE**, page 2



*Even the State Capitol's utilitarian staircases are a work of art from a certain perspective.*

PERRY BENNETT, WEST VIRGINIA LEGISLATURE

## PAROLE BOARD HEARING PROCESS REVISION

*Senate Bill 408 Focuses on Streamlining Process to Help Reduce State's Rising Prison Population*

During last year's regular session, the Legislature passed Senate Bill 371, which focused on reforming aspects of the state's criminal justice system to improve public safety and to also address the growing prison overcrowding and substance abuse problems in West Virginia.

At last November's Regional Jail and Correctional Facility Authority interim meeting, committee members heard from General Counsel for the Governor's Office discuss the impact Senate Bill 371 has already had on the prison population numbers.

The Governor's office had been looking at two types of statistics to analyze the effects Senate Bill 371 has had on the prison population numbers; the total number of inmates in the custody of the Division of

Corrections (DOC) and of that number, those that are being held at regional jails. The figures show the total inmate population had dropped by 253 and the backlog of inmates being housed in the state's regional jails was down by 554. It was projected that the prison population would grow past 7,500 by the end of 2014. Instead, the state's inmate population dropped.

As a continuing response to reducing the prison population in the state, the Senate has placed on the calendar Senate Bill 408, which makes some changes to the current parole board hearing process. Current law requires DOC inmates detained in a non-DOC facility who are eligible for a parole hearing to make a written request. Committee substitute for SB 408 treats DOC inmates housed in non-DOC facilities the

same as those inmates already housed in DOC facilities.

Senate Bill 408 would make two changes to the parole process to ensure that DOC inmates are provided with a timely parole board hearing. It removes the three month good conduct requirement prior to parole release as a condition to have a hearing. However, the Parole Board will maintain authority to grant or deny parole. Second, the bill adds language stating that the Division of Correction inmates being held in non-DOC facilities who become parole eligible are entitled to a prompt hearing.

As of Friday, January 31, the bill was placed on first reading on the Senate's calendar where it is expected to come up for a vote before the full Senate next week. ■

wage will positively effect those living in poverty and on the overall economy.

Advocates for raising the minimum wage believe that it will benefit hardworking citizens who work 60 or more hours a week but are still unable to afford life's basic necessities. According to a study at U.C. Berkeley, roughly half of those that would be affected by a minimum wage increase are in families making \$40,000 a year or less. In addition, many supporters of the increase believe that raising the minimum wage would boost the economy because low-income families would have extra money that they would spend in local communities.

"Studies show that a reasonable raise in the minimum wage will help the economy because it's going to give a little money back to the people who we know are going to spend it," said Stephen Skinner, D-Jefferson, a cosponsor on House Bill 4283, the House's minimum wage bill.

Christina Romer, a U.C. Berkeley economics professor and former chair of President Obama's Council of Economics, says that some evidence suggests that a raise in the minimum wage could result in lower turnover rates which raises productivity and labor demand.

Conversely, however, many are concerned that raising the minimum wage will negatively effect businesses and will result in a lower number of jobs. Some believe that businesses will be forced to cut down their number of employees as a result of a minimum wage increase; therefore, those who work minimum wage jobs would have a harder time finding jobs and potentially keeping their current job.

Additionally, economists who are opposed to raising the minimum wage argue that raising it would simply inflate the prices of

goods and services which would put minimum wage workers back in the same position they started in. Contrary to Romer, some are concerned that raising the minimum wage will lower work ethic in employees and discourage young adults from seeking higher education if they're able to make a living working a minimum wage job.

"The real solution is to create more jobs so that more people are working," said Delegate John Overington (R-Berkeley), who was one of two delegates to vote against HB 4283. "Employers will offer more than the minimum wage because there's a lot competition for employers looking for people."

Many legislators are supporting the bill because of the positive effect they believe it will have on the economy. Delegate Jason Barrett (D-Berkeley), the lead sponsor of the bill, believes that raising the minimum wage will reduce the amount of government aid required to help people who need the extra assistance.

"When someone is making minimum wage, they are going to spend every cent they have and there's not going to be any money left at the end of the month," said Barrett. "All the additional money that these people will earn with this minimum wage increase will be spent back into our economy."

The legislation has a provision that will exempt business owners with fewer than six employees and has support from the State Chamber of Commerce.

The bill has passed through the Industry and Labor Committee and will now be considered by the Finance Committee before making its way to the House floor for a vote. to get opinions and recommendations from water experts. ■

As of 4:00 p.m., Thursday, January 30th, 2014, the 23rd day of the 2nd session of the 81st Legislature, 455 bills have been introduced in the Senate. Of those, 17 passed and have been sent to the House of Delegates for consideration. Among those:

**Senate Bill 12** would allow expedited partner therapy, permitting prescribing antibiotics for the partner of a patient with a sexually transmitted disease without examining the partner.

**Senate Bill 208** would continue the Rural Health Initiative but discontinue the rural health advisory committee and assign duties to the Vice Chancellor for Health Sciences. The requirement for creation of primary health care education sites would be deleted.

**Senate Bill 209** would require county education boards to allow special needs students to participate in graduation ceremonies. Special needs students who continue with special education services after graduation can participate in the ceremonies as well. The student would have to submit a written request to do so. County boards would not be allowed to deem a special needs student ineligible for post-graduation services due to his or her participation in graduation.

**Senate Bill 251** would update the Uniform Arbitration Act for modern arbitration cases. This would include whether arbitrators are required to disclose facts likely to affect impartiality, testify in another proceeding, and to what extent arbitrators or representatives are immune from civil actions. It also decides whether arbitrators have the discretion to do things such as issue protective orders, decide motion for summary dispositions, and hold prehearing conferences.



## IN THE HOUSE

As of 4:00 p.m., Thursday, January 30th, 2014, the 23rd day of the 2nd session of the 81st Legislature, 1001 bills have been introduced in the House. Of those, 16 of those have passed and have been sent to the Senate for further consideration. A sample of these bills includes:

**House Bill 2387** would allow people who have disabilities or are handicapped to keep assistive animals in their home. This specifically relates to housing complexes that have pet policies that would otherwise not allow this. To qualify a person needs a document from a licensed professional.

**House Bill 2954** would require that members of the Mine Safety Technology Task Force are paid the same compensation and reimbursement as members of the Legislature.

**House Bill 2966** would prohibit employers from requiring access to an employees personal accounts and wrongful termination if the employee doesn't give access to those account. This bill would essentially protect an employee from having to give username or passwords for personal account through fear of consequences.

**House Bill 4006** would increase penalties for possession and distribution of child pornography. This proposal would also include penalties for offenders who intentionally view, possess, distribute or transmit a large quantity of images and increases penalties for second offenses.

**House Bill 4139** would restrict parental rights of a child of that child was conceived through sexual abuse or assault. This proposal restricts child custody and visitation with a natural parent that has been convicted of sexual assault unless the victim consents.

**House Bill 4175** would provide protection to small businesses from the financial effects of emergencies. This bill would expand the Governor's power in order to give financial protection to small businesses.

**House Bill 4338** would require regional jail programs be the same as programs in a corrections facility. Due to overcrowding, many inmates that are supposed to be at a correctional facility end up serving time in a regional facility and don't receive the same education and rehabilitation programs they would have originally benefitted from if it wasn't for overcrowding.

**House Bill 4339** would ensure money from Solid Waste Authority Closure Cost Assistance Fund is available to close the Elkins-Randolph County landfill and the Webster County Landfill.

**House Bill 4340** would provide an exception to provisions of the West Virginia Ethics Act for elected Conservation District Supervisors who participate in the West Virginia Conservation Agency Agricultural Enhancement Program. The Conservation District Supervisors can't consider, act or vote on matters that affect the elected supervisor or his or her immediate family.

**House Bill 4342** would allow nurses and midwives to write prescriptions. This bill would amend a code of West Virginia that states only licensed physicians can write prescriptions and would allow for nurses to write prescriptions without the consent of a physician.

**House Bill 4343** would create the West Virginia Project Launchpad Act, a program to attract businesses and people back to the state after the decline of

the coal industry. This proposal would allow counties and cities to apply for the launchpad program which would give local and state tax breaks to businesses and workers that qualify for the program.

**House Bill 4344** would amend the human trafficking statute. This bill protects the victim from prosecution and conforms to a Human Trafficking bill that was approved by the Uniformed Law Commission and the ABA of the House.

**House Bill 4346** would establish separate standards of performance for carbon dioxide emissions. This proposal establishes different standards for carbon dioxide emissions for coal burning electric generators and natural gas burning electric generators based on efficiency and reduction of emissions.

**House Bill 4348** would enhance civil legal services for the poor. This proposal would add fees in circuit courts to provide support for civil legal service for low-income people.

**House Bill 4352** would require entities that receive public money for economic development much file an annual report. This bill would ensure that public money is being used to provide jobs and economic benefits.

**House Bill 4355** would prohibit an employer from asking whether an applicant for employment has been convicted of a criminal offense unless harm could be done to an individual or the public.

**House Bill 4377** would give DUI offenders an alternative to license revocation. A DUI offender can use an Alcohol Test and Lock device installed in their car that wouldn't allow the car to start unless they have had any alcohol.

**Senate Bill 310** would adjust penalties for willful failure to pay child support when he or she has the abilities to do so within six months. If found guilty of the misdemeanor, it would be a sentence of up to a year. Upon second violation, he or she would serve up to a year in prison and/or a fine from \$100 to \$1,000. Third conviction would require a jail sentence from 90 days to one year and/or a fine from \$500 to \$1,500. If the person has 12 months to supply child support and willfully does not, it would be a felony with a sentence requiring one to three years in prison and/or fined \$1,000 to \$5,000. If one is convicted but is not incarcerated or gainfully employed, he or she must become employed or register with WorkForce West Virginia and actively seek employment or training.

**Senate Bill 316** would shorten the period when the statute of limitations is tolled for bringing third party claims while a lawsuit pends to 60 days. The defendant could bring a third party complaint after the 60 days if the cause of action against the third party was not discovered until then.

**Senate Bill 359** would remove the hand canvassing requirements of electronic voting machines.

**Senate Bill 373** would incorporate recommendations from the State Water Resources Management Plan into the Water Resources Protection and Management Act. This would involve changing the definition of a large quantity user to a person who uses at least 300,000 gallons of water in a 30-day period, and

these users would have to submit an annual water withdrawal or usage report. Drilling contractors and well owners would have to report the depth of groundwater of drilled wells. Aboveground storage tanks would have to be registered and regulated in a program to be developed by the Secretary of the Department of Environmental Protection.

**Senate Bill 394** would change the Health Sciences Scholarship Program to the Health Sciences Service Program to reflect the program's purpose as a job recruitment incentive for healthcare professionals working in underserved parts of West Virginia.