



2015 Weekly Legislative E-Briefing

WEST VIRGINIA CHAMBER OF COMMERCE

February 10, 2015
28th Day of the 60-Day
Legislative Session

Bills of Interest on the Move

Thursday marks the midpoint of the 2015 legislative session. Several bills of interest to Chamber members have begun to move in the legislative process. They include:



SB 3 --- **Premises Liability** bill was signed into law by the Governor 2/9. The bill will codify existing common law relating to property owners not being held liability for the injuries or death of a person trespassing on their property.

SB 12 --- **Wage Collection & Payment Act** has passed the Senate and is in the House Industry & Labor Committee. The bill changes current law for payment of wages to a discharged employee to "on or before the next regular payday."

SB 13 --- **Open & Obvious** bill was passed by the Senate on 1/27 and the House on 2/5 and has been sent to a conference committee to try and work out the differences between the two bills. The bill seeks to raise the legal standard for suing a property owner when someone is injured by an open and obvious risk that is reasonably apparent, or was well known to the person injured.

SB 37 ---

Creating Revised Uniform

Arbitration Act was passed by the Senate 34-0 on 2/10 and has been sent to the House. It will provide the state a better and more complete arbitration process to meet modern needs,

SB 361 --- **Prevailing Wage Rate** was laid over on the Senate's calendar for the second straight day presumably to try and work out the bill's language. As it stands now, the bill will be on Second Reading (amendment stage) on 2/11. As written, the bill seeks to eliminate the requirement to pay prevailing wages for construction of public improvements.

HB 2002--- **Joint & Several Liability (Comparative Fault)** was passed by the House on 1/27 and the Senate on 2/9. The bills have differences and will be sent to a conference committee. The primary purpose of the bill is to ensure defendants will only be held responsible for the share of damages a jury decides was their fault.



2015 Legislative Schedule

THURSDAY

30th Day of the
Session
(half way point)

Thursday, February 12

**Last day to introduce
bills in both Houses**
Monday, February 23

**Bills due out of
committees**
Sunday, March 1

**Last day to consider
bill on 3rd Reading**
(passage stage)
Wednesday, March 4

Session Adjourns
Saturday, March 14

HB 2005 --- **Alternative programs for the education of teachers** passed the House 60-35 on 2/10 and has been sent to the Senate. The bill would assist in providing teachers to areas of the state that have critical needs and shortages.

HB 2010 --- **Non-partisan Election of Judges** passed the House 2/4 and is now in the Senate Judiciary Committee. The bill specifies that Supreme Court Justices, Circuit Judges, Family Court Judges and Magistrates will be elected on a non-partisan basis.

"Meet West Virginia's Press Corps" Tuesday at the Chamber's Legislative Breakfast

Tuesday February 17
7:45 a.m. Charleston Marriott.

"Meet West Virginia's Press Corp"
Hoppy Kercheval, WV MetroNews
Ashton Marra, WV Public Broadcasting
Joel Ebert, Charleston Daily Mail
Ann Ali, The State Journal

BILLS TO WATCH

TO REVIEW THE TEXT OF ANY BILL
CLICK THE BILL NUMBER

STATE SENATE

SB 3 --- Relating to real property possessor's liability for trespasser harm
Signed into law by the Governor 2/9

SB 6 --- Relating to medical professional liability Passed Senate 2/2; to
House Judiciary

SB 11 --- Relating to workers' compensation disbursements when injury is
self-inflicted or intentional: permitting recovery in private suit

SB 12 --- Relating to payment of separated employee's outstanding wages
Passed Senate 1/23; To House Industry & Labor Committee

SB 13 --- Reinstating open and obvious doctrine for premises liability
Passed Senate 1/27 and passed House 2/4 in different versions. Versions
must be worked out in conference committee before being sent to the
Governor.

SB 14 --- Creating Public Charter Schools Act

SB 37 --- Relating to arbitration. **Passed Senate 34-0 on 2/10 and has been sent to the House**

SB 38 --- Relating to apportionment of damages in tortious conduct actions

SB 101 --- Limiting punitive damages awarded in personal injury or wrongful death actions

SB 102 --- Expending period that terminated employees' wages must be paid

SB 103 --- Establishing comparative fault standard

SB 104 --- Increasing threshold of defendant's liability to qualify for several liability in tortious actions

SB 129--- Establishing an Intermediate Court of Appeals

SB 134 --- Creating Civil Justice Reform Act of 2015

SB 245 --- Repealing requirement for prevailing wage payment for public improvement construction

SB 306 --- Establishing an Intermediate Court of Appeals

SB 307 --- Creating Paycheck Protection Act

SB 308--- Changing minimum interest rate paid on judgments or decrees

SB 318 --- Relating to payment of wages by employers **Passed Senate 2/5; To House Judiciary Committee**

SB 321 --- Creating Paycheck Protection Act

SB 337 --- Creating workplace freedom act (right-to-work)

SB 344--- Relating to limitations on compensatory and punitive damages in employment claims

SB 361 --- Prevailing Wage Rate. **Has been laid over until 2/11. Remains on second reading (amendment stage).**

SB 421 --- Relating to punitive damages in civil actions

HOUSE OF DELEGATES

HB 2001 --- Repealing Alternative & Renewable Energy Portfolio Standard(cap & trade) **Signed into law by the Governor 2/4**

HB 2002 ---
Predicating actions for damages upon comparative fault **Passed House 1/27 and the Senate on 2/19. The bills have differences and will, most likely, be sent to a conference committee.**

HB 2005--- Relating to alternative programs for the education of teachers. **Passed the House on 2/10 60-35 and has been sent to the Senate.**

HB 2010--- Requiring the elections of justices of the West Virginia

Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan **Passed House 2/4 sent to Senate Judiciary.**

HB 2011 --- Relating to workers' compensation disbursements when injury is self-inflicted or intentional: permitting recovery in private suit

HB 2013 --- Reinstating open and obvious doctrine for premises liability

HB 2014 --- West Virginia Public Charter Schools Act of 2015

HB 2052 --- Relating to the labor-management relations act for the private sector

HB 2091 --- False Claims Act

HB 2162 - Relating to payment of employees separated from payroll before payday

REGISTER NOW



Tuesday, February 17 7:45 a.m.
"Meet West Virginia's Press Corp"

Hoppy Kercheval, WV MetroNews
Ashton Marra, WV Public Broadcasting
Joel Ebert, Charleston Daily Mail
Ann Ali, The State Journal

Tuesday, February 24 7:45 a.m.
"The Energy Store in West Virginia"

Woody Ireland, Chair, House Energy Committee (invited)
Randy Smith, Delegate & experienced coal miner (invited)
Ben Beakes, Alpha Natural Resources
Kevin Ellis, Antero Resources & President, WV Oil & Natural Gas Association

Tuesday, March 3 7:45 a.m.
"Bold Education Reform in 2015"

David Sypolt, Chair, Senate Education Committee
Amanda Pasdon, Chair, House Education Committee

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