



2015 Weekly Legislative E-Briefing

WEST VIRGINIA CHAMBER OF COMMERCE

February 17, 2015
35th Day of the 60-Day
Legislative Session

Thirty-five Days in the Books, 25 to Go

Later this week, the Legislature heads into its final three weeks of work and several key deadlines are rapidly approaching. Monday marks the last day legislators can introduce bills and Sunday, March 1 is the last day bills can be reported out of committee for action on the floors of both Houses.



Limited action took place yesterday. [SB 421](#) that seeks to limit punitive damages to three times compensatory damages or \$500,000, whichever is greater, is on amendment stage in the Senate today.

Here is an update on a few of the bills of interest to Chamber members:

[SB 13](#) --- **Open & Obvious** --- is still in a conference committee where differences in the House and Senate versions are being worked out. 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 361](#) --- **Prevailing Wage Rate** --- was passed by the Senate yesterday on a 23-11 vote and sent to the House. The bill transfers the task of calculating the prevailing wage from the state Division of Labor to WorkForce West Virginia, which will receive assistance from economic development experts at WVU and Marshall. The bill also exempts public projects from the prevailing wage that are under \$500,000.

[HB 2002](#) --- **Joint & Several Liability (Comparative Fault)** -- has been 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.

"The Energy Store in West Virginia"
Tuesday at
the Chamber's
Legislative
Breakfast

Tuesday February 24
7:45 a.m. Charleston
Marriott.

"The Energy Store in
West Virginia
Woody Ireland,
Chair, House Energy
Committee

Randy Smith,
Delegate &
experienced coal
miner

Ben Beakes, Alpha
Natural Resources

Kevin Ellis, Antero
Resources &
President, WVONGA

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; on
second reading in the House 2/16.

[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 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



2015 Legislative Schedule

**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

[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. **Passed Senate 23-11 2/12; sent to the House**

[SB 421](#) --- Relating to punitive damages in civil actions. **On second reading (amendment stage) 2/17**

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 is 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](#) --- The bill deals with the misuse of the current "deliberate intent" law by employees suffering significant injury or death in the workplace. **Passed House 2/10 had sent to the Senate.**

[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 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

[REGISTER HERE](#)

Chamber Legislative Breakfast Sponsors

Diamond Sponsor



Platinum Sponsors



Gold Sponsor



West Virginia Chamber of Commerce
1624 Kanawha Blvd, East
Charleston, WV 25311
(304) 342-1115
wvchamber.com

[Forward email](#)



This email was sent to bdayton@wvchamber.com by forjobs@wvchamber.com |
[Update Profile/Email Address](#) | Rapid removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).



West Virginia Chamber of Commerce | 1624 Kanawha Blvd. East | Charleston | WV | 25301