



## 2015 Weekly Legislative E-Briefing

WEST VIRGINIA CHAMBER OF COMMERCE

February 6, 2015  
24th Day of the 60-Day  
Legislative Session

### Legislative Update --- What Happened this Week of Interest to Chamber Members?

As the 2015 legislative session approaches its midpoint, this week saw movement on bills of interest to Chamber members.



**SB 3** --- "**Premises Liability**" 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. Passed by the Senate on 1/21 and the House on 1/29 and sent to the Governor for approval.

**SB 12** --- "**Wage Collection & Payment Act**" changes the current law for payment of wages to a discharged employee to "on or before the next regular payday." Passed Senate 1/23; To House Industry & Labor Committee

**SB 13** --- "**Open & Obvious**" raises 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. The bill was passed by the Senate on 1/27 & the House on 2/5, but there are differences in the two bills that must be worked out before it can be sent to the Governor.

**SB 37** --- "**Creating Revised Uniform Arbitration Act**" will provide the state better and more complete arbitration procedures to meet modern needs, On Senate second reading 2/9

**SB 361** --- "**Prevailing Wage Rate**" seeks to eliminate the requirement to pay prevailing wages for construction of public improvements. The bill is on second reading (amendment stage) in the Senate 2/9.

**HB 2001**--- "**Cap & Trade**" bill repeals portions of the Alternative & Renewable Energy Portfolio Act. Passed House 1/22 and approved by the Senate 1/27. The Governor signed the bill 2/3.

**HB 2002**--- "**Joint & Several Liability (Comparative Fault)**" ensures defendants will only be held responsible for the share of



### 2015 Legislative Schedule

**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

damages a jury decides was their fault. Passed House 1/27 and will be on passage stage in the Senate 2/9 with the right to amend.

**HB 2005** --- "Alternative programs for the education of teachers"

would assist in providing teachers in areas of the state that have critical needs and shortages. House second reading (amendment stage) 2/9.

**HB 2010** --- "Non-partisan election of Judges" specifies that Supreme Court Justices, Circuit Judges, Family Court Judges and Magistrates will be elected on a non-partisan basis. Passed House 2/4; To Senate Judiciary Committee.

## State's Financial Challenges to be Discussed at First Chamber Legislative Breakfast

**Tuesday February 10  
7:45 a.m. Charleston Marriott.**

**"Financial Challenges in 2015"  
Senate Finance Committee Chair Mike Hall (R-Putnam)  
House Majority Leader Daryl Cowles (R-Morgan)  
House Finance Committee Chair Eric Nelson (R-Kanawha).**

## 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  
**Passed Senate 1/21; Passed House 1/29; To Governor for approval**

**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 before sending the Governor.**

[SB 14](#) --- Creating Public Charter Schools Act

[SB 37](#) --- Relating to arbitration. **On Second Reading (amendment stage)**  
2/9

[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**

[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. **On second reading (amendment stage)**  
2/9

[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 Governor**

[HB 2002](#) ---  
Predicating actions for damages upon comparative fault **Passed House**  
1/27 and will be on passage stage in the Senate on 2/9, but with the right to amend.

[HB 2005](#)--- Relating to alternative programs for the education of teachers.  
**On second reading (amendment stage) 2/9**

[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 and by division **Passed House 2/4; to Senate**  
[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

## **STARTS TUESDAY REGISTER NOW**



### **NEXT WEEK**

**Tuesday, February 10 7:45 a.m.**  
**"Our Financial Challenges in 2015"**

Mike Hall, Chair, Senate Finance Committee  
Daryl Cowles, House Majority Leader  
Eric Nelson, Chair, House Finance Committee

**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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