



2015 Weekly Legislative E-Briefing

WEST VIRGINIA CHAMBER OF COMMERCE

February 13, 2015
34th Day of the 60-Day
Legislative Session

Roberts Calls Legislative Session "Historic & Productive"

"Thus far, this 60-day legislative session has been the most historic and productive in recent memory, noted Chamber President Steve Roberts. " So successful, I urge all Chamber members to reach out and contact the legislative leadership and thank them for backing a strong pro-jobs, pro-education and pro-economic development agenda," added Roberts.



This week saw a number of Chamber supported pro-jobs bills continue to move including:

SB 3 --- **Premises Liability** bill was signed into law by the Governor on Tuesday. 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 Payment & Collection 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 approved by the Senate and passed by the House last week, but in different versions. A conference committee is expected to meet this afternoon 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 Tuesday and has been sent to the House, where it is expected to pass. It will provide the state a better and more complete arbitration process to meet modern needs,

"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



2015 Legislative
Schedule

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

Bills due out of

SB 361 -- **Prevailing Wage Rate** was passed by the Senate yesterday on a 23-11 vote and sent to the House. Under compromised language adopted by the Senate, 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.

SB 421 --- **Punitive Damages in Civil Actions** has been sent to the Senate Floor and will be on First Reading Monday 2/16. The bill would limit punitive damages to three times compensatory damages or \$500,000, whichever is greater

HB 2002--- **Joint & Several Liability (Comparative Fault)** was passed by the House on 1/27 and the Senate this week. The bills have differences and have 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.

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. The state has nearly 700 teaching vacancies.

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.

HB 2011 --- **Deliberate Intent** passed the House on 2/10 and sent to the Senate. The bill deals with the misuse of the current "deliberate intent" law by employees suffering significant injury or death in the workplace.

committees
Sunday, March 1

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

Session Adjourns
Saturday, March 14

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

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 first reading 2/16

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 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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