



2015 Weekly Legislative E-Briefing

WEST VIRGINIA CHAMBER OF COMMERCE

February 20, 2015
38th Day of the 60-Day
Legislative Session

Punitive Damages Bill Passes Senate After Defeat the Day Before

On Wednesday, the State Senate defeated a bill ([SB 421](#)) that caps punitive damages in civil lawsuits on a 18-16 vote. On Thursday, a compromise bill was reconsidered and adopted 26-8. The initial bill capped punitive damages at three times compensatory damages, or \$500,000, whichever is the greater. The approved bill capped damages at four times compensatory damages, or \$500,000, whichever is greater. The has been sent to the House.



Open & Obvious Legal Reform Bill Passes

A conference committee was successful in forging a compromise bill that was acceptable to both Houses and now the "Open & Obvious" bill is on its way to the Governor for his approval. The adopted bill, ([SB 13](#)), reinstates the legal doctrine for suing a property owner when someone is injured by an obvious risk that was reasonably apparent, or was know to the person injured.



House Charter Schools Bill Clears Senate Committee

After a lengthy review, the Senate Education Committee has approved a charter schools bill ([SB 14](#)) and sent it on to the Senate Finance Committee for their review. If approved by the Legislature, West Virginia would join over 40 states that currently allow charter schools. The West Virginia Chamber is a strong supporter of charter public schools that will offer more freedom for teachers, parents and students and have more local control.



"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

Update on Several Other Key Bills

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

SB 361 --- **Prevailing Wage Rate** ---

was passed by the Senate on a 23-11 vote and being reviewed by the House Government Organization Committee.. 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)** --

-the conference committee report has been reported to the Senate. 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

MONDAY

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

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 **Senate amended the bill and sent it back to the House for concurrence on 2/23**

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 by both Houses; awaiting Governor's signature

SB 14--- Creating Public Charter Schools Act **Approved by Senate Education Committee and sent to the Senate Finance Committee**

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 front & back pay. **Passed Senate 2/20; to the House**

[SB 361](#) --- Prevailing Wage Rate. **Passed Senate 23-11 2/12; in House Government Organization Committee**

[SB 421](#)--- Relating to punitive damages in civil actions. **Approved in the Senate after a reconsideration vote 26-8; to House**

[SB 423](#) --- Amending the Above Ground Storage Tank Act

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 being worked on in a conference committee.**

[HB 2005](#)--- Relating to alternative programs for the education of teachers. **Passed the House on 2/10 60-35 and is in the Senate Education Committee.**

[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; Passed Senate as amended 2/20; seeking House concurrence 2/23**

[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 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

[HB 2574](#) --- Amending the Above Ground Storage Tank Act

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

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