



WEST VIRGINIA SENATE
COMMITTEE ON THE JUDICIARY

MINUTES FOR JANUARY 28, 2019, 9:30 A.M.

Pursuant to the call of the Chairman, the Senate Committee on the Judiciary met on January 28, 2019, at 9:30 a.m. in Room 208-W.

All members being present, the Chairman declared the presence of a quorum. (See attached roll call and agenda).

On motion of Senator Weld, the minutes of the previous meeting were approved.

Chairman Trump removed **S. B. 387** from the agenda.

Chairman Trump resumed consideration of **S. B. 266 - Creating Intermediate Court of Appeals and WV Appellate Review Organization Act of 2019.**

Sarah Canterbury, Counsel, responded to questions.

With leave of the committee, Mark H. Hayes, Robinson McElwee, Vice President, Defense Trial Counsel of West Virginia, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Woelfel, the committee recessed.

The committee reconvened.

Supreme Court Justice Evan Jenkins appeared before the committee and responded to questions.

With leave of the committee, Anthony Majestro, West Virginia Association of Justice, Legislative Committee Chair, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

Senator Clements moved to amend the bill on page 16 to exclude disputes of mineral rights and surface owners involving oil and gas development from the intermediate court's jurisdiction. The same was put and Senator Beach demanded a roll call, which demand was sustained.

On the motion to amend the committee substitute the years were: Baldwin, Beach, Boso, Clements, Cline, Hardesty, Jeffries, Lindsay, Romano, Rucker, Smith, Takubo and Woelfel – 13.

The nays were: Azinger, Maynard, Weld, and Trump (Mr. Chairman) – 4.

A majority of all the members present having voted in the affirmative, the Chairman declared the motion adopted.

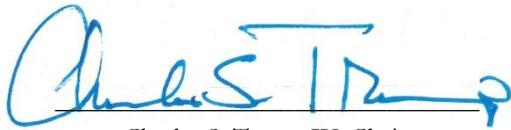
Senator Romano moved to amend the bill on page 16 to exclude disputes in any civil case in which an insurance company has an interest by paying for defense or directly a party to the action from intermediate court's jurisdiction. The same was put and rejected.

On motion of Senator Weld, the committee agreed to the committee substitute, as amended.

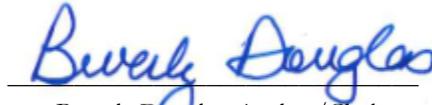
On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass, but first be referred to the Committee on Finance.

[NOTE: Senator Beach voted no.]

On motion of Senator Weld, the committee adjourned.



Charles S. Trump IV, Chair



Beverly Douglas, Analyst/Clerk