



WEST VIRGINIA SENATE
COMMITTEE ON THE JUDICIARY

MINUTES FOR FEBRUARY 23, 2019, 11:00 A.M.

Pursuant to the call of the Chairman, the Senate Committee on the Judiciary met on February 23, 2019, at 11:00 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 from the previous meeting were approved.

Chairman Trump removed **S. B. 583** from the agenda.

S. B. 530 - Relating to state employee merit system.

Anne Ellison, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

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

On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

S. B. 318 - Transferring Medicaid Fraud Control Unit to Attorney General's office.

Bill Aabel, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

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

On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

S. B. 642 - Providing options in living wills and combined medical powers of attorney and living wills.

Bill Aabel, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, Joe Letnaunchyn, President, West Virginia Hospital Association, 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 agreed to amend the committee substitute on page 15 and 16 to strike the new language “(I have intact brain stem function but no higher cortical function and have neither self-awareness nor awareness of my surroundings in a learned manner)” and restore the existing language “(I am unconscious and am neither aware of my environment nor able to interact with others.)”

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.

S. B. 300 - Relating to adoption records.

Debra Graham, Counsel, explained the bill, the purpose of the proposed committee substitute for committee substitute, and responded to questions.

Senator Rucker moved to lay the bill in to a study resolution in lieu of reporting the bill.

With leave of the committee, Gary L. Thompson, Interim Deputy Commissioner for Health Improvement in Bureau for Public Health, West Virginia Department of Health and Human Resources, and State Registrar of Vital Statistics, for 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 Rucker, the committee agreed to originate a Study Resolution.

S. B. 561 - Permitting Alcohol Beverage Control Administration request assistance of local law enforcement.

Tom Smith, Chief Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

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

On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

S. B. 355 - Removing authority of municipalities to restrict firearm possession.

Tom Smith, Chief Counsel, explained the bill, and responded to questions.

With leave of the committee, Paul A. Perdue, Deputy Chief of Police, Charleston Police Department, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, David Frercks, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

Senator Lindsay moves to amend the bill on page 2, subsection (c)(2) by striking the provision pertaining to municipally owned recreation facility.

On motion of Senator Weld, the committee agreed to move further consideration of **S. B. 355** to the foot of the agenda.

S. B. 487 - Relating to admissibility of health care staffing requirements in litigation.

Bill Aubel, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, Steven New, West Virginia Association for Justice, 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 Weld, the committee agreed to the committee substitute.

On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

S. B. 105 - Creating enhanced penalty for certain aggravated traffic offenses.

Tom Smith, Chief Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

On motion of Senator Clements, the committee amended the committee substitute to strike the word “minor” on line 2 and revise the heading.

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.

S. B. 637 - Relating to revocation, cancellation, or suspension of business registration certificates.

Bill Aibel, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

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

On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

S. B. 650 - Protecting consumers from price gouging after state of emergency.

Debra Graham, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

On motion of Senator Woelfel, the committee agreed to amend the committee substitute to restore current law on lines 1-3 of Section 3.

With leave of the committee, Frank Hartman, Marathon Petroleum Corporation, 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 Weld the committee agreed to amend the committee substitute to restore the stricken language on page 2, lines 28-30 and add the words “directly affecting circumstances existing in this state,” after the word “declaration”.

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

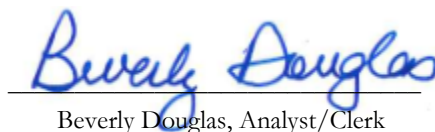
On motion of Senator Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

On motion of Senator Romano, the committee agreed to originate a Study Resolution

On motion of Senator Weld, the committee adjourned.



Charles S. Trump IV, Chair



Beverly Douglas, Analyst/Clerk