



WEST VIRGINIA SENATE
COMMITTEE ON THE JUDICIARY

MINUTES FOR MARCH 6, 2019, 3:00 P.M.

Pursuant to the call of the Chairman, the Senate Committee on the Judiciary met on March 6, 2019, at 3:00 p.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 H. B. 2014 and H. B. 2392 from the agenda.

H. B. 2049 - Relating to a prime contractor's responsibility for wages and benefits.

Bill Aubel, Counsel, explained the bill, the purpose of the proposed strike and insert and title amendments, and responded to questions.

Senator Weld moved to adopt the strike and insert amendment.

Senator Hardesty moved to amend the strike and insert amendment by adding a new subsection (e) to 21-5-7 stating "A Prime Contractor must notify the owner and the architect prior to the completion of the contract if any subcontractor has not been paid in full."

The same was put and the amendment was adopted.

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

Senator Woelfel moved the previous question. The question being on the adoption of the strike and insert amendment, the committee agreed to move.

The same was put and the strike and insert amendment was adopted.

Chairman Trump ruled that an amendment is in order from Senator Romano

On motion of Senator Romano, the committee amended the strike and insert amendment on page 1, line 19, subsection (c) by inserting the word “only” after the word “stating”.

On motion of Senator Romano, the committee amended the strike and insert amendment on page 2 by striking subdivision (3), subsection (b) and added on line 12 struck the words “of the missing” and added “only that” and after the word “benefits” added the words “have not been paid”.

On motion of Senator Weld, the committee adopted the revised strike and insert amendment thereby incorporating the three separate amendments offered by the committee.

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

On motion of Senator Weld, the committee adopted the title amendment.

H. B. 2164 - Clarifying that appeals to the Supreme Court are a matter of right.

Sarah Canterbury, Counsel, explained the bill and responded to questions.

Senator Weld moved to strike everything after the enacting clause and insert in lieu thereof the provisions of Introduced SB 266.

Senator Romano raised a point of order as to the germaneness of the amendment.

Senator Romano withdrew the point of order.

Senator Romano raised a point of order as to the germaneness of the amendment and requests a ruling of the Chair.

Senator Romano withdrew the request for a ruling.

Senator Beach moved the previous question. The question being on the adoption of the strike and insert amendment, the committee agreed to move.

The adoption of the strike and insert amendment was put and the Chair being in doubt, a division of the body was demanded by Senator Beach.

The vote being 8 in favor, 8 opposed, the motion to amend was rejected.

Chairman Trump removed **H. B. 2365** from the agenda.

H. B. 2474 - Relating to a reserving methodology for health insurance and annuity contracts.

Bill Aubel, Counsel, explained the bill, the purpose of the proposed strike and insert amendment, and responded to questions.

On motion of Senator Weld, the committee adopted the strike and insert amendment.

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

H. B. 2479 - Corporate Governance Annual Disclosure Act.

Bill Aubel, Counsel, explained the bill, and responded to questions.

Chairman Trump vacated the chair and Senator Weld presided.

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

H. B. 2618 - Including undue influence as a factor in the definition of financial exploitation of an elderly person or protected person.

Debra Graham, Counsel, explained the bill, the purpose of the proposed strike and insert and title amendments, and responded to questions.

On motion of Senator Boso the committee adopted the strike and insert amendment.

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

On motion of Senator Boso, the committee adopted the title amendment.

Vice-Chair Weld moved **H B 2709** next on the agenda

H. B. 2709 - Relating to hunting licenses.

Sarah Canterbury, Counsel, explained the bill, the purpose of the proposed strike and insert and title amendments, and responded to questions.

Senator Boso moved to adopt the strike and insert amendment.

Senator Romano moved the previous question. The question being on the adoption of the strike and insert amendment, the committee agreed to move.

The question was put and the Chair being in doubt, a division of the body was demanded by Senator Beach.

The vote being 8 in favor and 7 opposed, the strike and insert amendment was adopted.

On motion of Senator Boso the committee reported the bill to the full Senate with the recommendation that it do pass.

On motion of Senator Boso, the committee adopted the title amendment.

Vice Chair Weld move **H.B. 2933** next on agenda.

H. B. 2933 - Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse resulting in injury.

Debra Graham, Counsel, explained the bill, the purpose of the proposed strike and insert amendment, and responded to questions.

On motion of Senator Boso, the committee adopted the strike and insert amendment.

On motion of Senator Boso the committee reported the bill to the full Senate with the recommendation that it do pass.

On motion of Senator Boso, the committee adopted the title amendment.

H. B. 2968 - Adding remote service unit to the definition of customer bank communications terminals.

Doren Burrell, Counsel, explained the bill, the purpose of the proposed amendment, and responded to questions.

On motion of Senator Boso, the committee adopted the amendment.

On motion of Senator Boso the committee reported the bill to the full Senate with the recommendation that it do pass.

On motion of Senator Boso, the committee adopted the title amendment.

H. B. 2779 - Providing that proceeds from certain oil and gas wells to persons whose name or address are unknown are to be kept in a special fund.

Doren Burrell, Counsel, explained the bill, and responded to questions.

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

Chairman Trump resumed presiding.

Senator Romano requested a ruling from the chair as to the germaneness of amending the provisions of Introduced S.B. 541 into this bill. In the opinion of the Chair, the amendment is germane.

On motion of Senator Romano, the committee adopted an amendment to included provisions of Introduced S. B. 541 into the bill.

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

On motion of Senator Weld the committee adopted the title amendment to be drafted by counsel.

On motion of Senator Weld, the committee recessed.

The committee reconvened.

H. B. 2670 - Relating to damages for medical monitoring.

Debra Graham, Counsel, explained the bill, the purpose of the proposed strike and insert and title amendment, and responded to questions.

Senator Weld moved to adopt the strike and insert amendment.

With leave of the committee, Anthony Majestro, 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.)

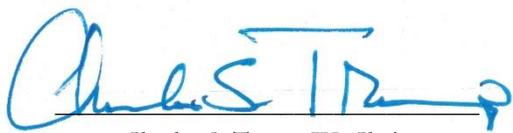
The motion to adopt the strike and insert amendment was put and the Chair being in doubt, a division of the body was demanded by Senator Romano.

The vote being 10 in favor and 7 opposed, the strike and insert amendment was adopted.

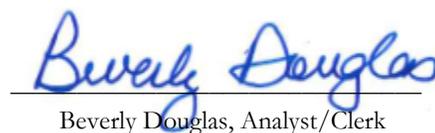
On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass.

On motion of Senator Weld, the committee adopted the title amendment.

On motion of Senator Weld, the committee adjourned.



Charles S. Trump IV, Chair



Beverly Douglas, Analyst/Clerk