



West Virginia Senate

Committee on the Judiciary

Minutes for FEBRUARY 17, 2020, 3:00 PM

Pursuant to the call of the Chair, the Senate Committee on the Judiciary met on February 17, 2020, 3:00 PM in Room 308-W.

Members present: Senators Trump, Weld, Azinger, Clements, Cline, Maynard, Pitsenbarger, Rucker, Smith, Baldwin, Beach, Hardesty, Jeffries, Lindsay, Romano, Woelfel

Members absent: Senators Takubo

A silent roll call being taken, the presence of a quorum was established.

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

Chairman Trump removed **S. B. 205** from the agenda.

S. B. 130 - Relating to procedure for driver's license suspension and revocation for DUI.

Sarah Canterbury, 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, but first be referred to the Committee on Finance.

S. B. 123 - Relating generally to pyramid promotional schemes.

Chris Alder, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, Aubrey Sparks, Employment Attorney, Mountain State Justice, 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, Bridget Lambert, President, West Virginia Retailers Association, 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, John W. Webb, Senior Legal Counsel for Policy, Advocacy and Compliance, Direct Selling Association, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

Senator Lindsay moved to amend the committee substitute on page 2, line 33 by striking out all of subsection (h) and substituting subsection (a) as shown on page 1, lines 1-7.

The amendment was put and the Chair being in doubt, a division of the body was demanded by Chairman Trump.

The vote being 6 in favor and 10 opposed, the amendment was rejected.

On motion of Senator Romano the committee amended the committee substitute on page 2, line 37, by inserting a new sentence at the end of subsection (h) "Compensation that is derived primarily from recruiting other individuals, shall mean no more than 15% of any such individuals annual compensation shall be so derived."

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.

Chairman Trump removed **S. B. 752** from the agenda.

S. B. 253 - Providing for fair pay and maximized employment of disabled persons.

Laura Goins, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, Maryjane K. Waldron, Director, West Virginia Division of Rehabilitation Services, 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, Steve Wiseman, Executive Director, West Virginia Developmental Disabilities Council, 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, but first be referred to the Committee on Finance.

S. B. 660 - Regulating electric bicycles.

Laura Goins, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, Stephen McDaniel, Director, West Virginia Division of Natural Resources, 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 Maynard amended the committee substitute, on page 12, line 8 by striking subsection (c) in its entirety.

Senator Maynard moved amend the committee substitute on page 13, line 28, by striking subsection (1) in its entirety.

Prior action being taken, Senator Maynard withdrew his amendment.

On motion of Senator Maynard, the committee amended the committee substitute on page 13, line 28, subdivision (1) by striking out "18" and inserting in lieu thereof "16".

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.

H. B. 4477 - West Virginia Mutual to Mutual Insurance Holding Company Act.

Chris Alder, Counsel, explained the bill, and responded to questions.

With leave of the committee, Timothy Huffman, Brickstreet Insurance and Encova Insurance, 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 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
Chairman



Beverly Douglas
Analyst/Clerk

The Senate of West Virginia



Testimony taken this 17th day of February, 2020, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Abbey Sparks
Print Witness Name

[Signature]
Sign Witness Name

Oath was administered by:

Charles S. Trump
Print Member Name

[Signature]
Sign Member Name

The Senate of West Virginia



Testimony taken this 17th day of February, 20 , in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

B. G. Lambert

Print Witness Name

B. G. Lambert

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name

The Senate of West Virginia



Testimony taken this 17th day of February, 2020, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Marijane K Walden

Print Witness Name

Marijane K Walden

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S Trump

Sign Member Name

The Senate of West Virginia



Testimony taken this 17th day of February, 2022, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Steve W. Berger

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

[Signature]

Sign Member Name

The Senate of West Virginia



Testimony taken this 17th day of February, 2020, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Stephen McDaniel

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Charles S. Trapp

Print Member Name

[Signature]

Sign Member Name

The Senate of West Virginia



Testimony taken this 17th day of February, 2020, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Timothy Huffman

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

[Signature]

Sign Member Name

The Senate of West Virginia



Testimony taken this 17th day of February, 2020, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Jenna Webb

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

[Signature]

Sign Member Name