



West Virginia Senate

Committee on the Judiciary

Minutes for FEBRUARY 18, 2020, 3:00 PM

Pursuant to the call of the Chair, the Senate Committee on the Judiciary met on February 18, 2020, 3:00 PM in Room 208-W.

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

Members absent: None

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.

H. B. 4217 - Authorizing the Department of Environmental Protection to promulgate legislative rules.

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.

Senator Baldwin moved to amend the strike and insert amendment to reflect the provisions of 16.2.c.2 agency approved rule submitted to Legislative Rule Making Committee.

With leave of the committee, Jason Wandling, General Counsel, West Virginia Department of Environmental Protection, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

Senator Baldwin withdrew his amendment.

Senator Baldwin moved to amend the strike and insert amendment on page 2, line 43, striking "but not to exceed 120 percent of the pre-mining value of the structure or facility."

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

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

Senator Weld raised a point of order that 17 members were present, but only 15 voted.

The Chairman ruled that the point was well taken and demanded the yeas and nays.

On the motion by Senator Baldwin, the yeas were: Baldwin, Beach, Clements, Cline, Hardesty, Jeffries, Lindsay, Romano, and Woelfel – 9.

Their nays were: Azinger, Maynard, Pitsenbarger, Rucker, Smith, Takubo, Weld, and Trump – 8.

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

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

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.

Originating Bill #2 – Authorizing the West Virginia State Police to establish a drug treatment referral program.

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

On motion of Senator Weld, the committee agreed to the originating bill.

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

S. B. 528 - Creating Uniform Worker Classification Act.

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

With leave of the committee, Daniel Hall, West Virginia Trucking Association, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

Senator Romano moved to amend the committee substitute by striking Section 4, beginning on page 3, line 6, Subdivision (1) to the end of the section on page 5, line 67 and inserting the New Jersey law as read.

The same was put, and the motion was rejected.

Senator Weld moved to agree to the language of the committee substitute.

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

The vote being 10 in favor, and 7 opposed, the motion was adopted.

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

S. B. 752 - Relating generally to medical cannabis.

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

With leave of the committee, Tom Susman, Association of Local Health Departments, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

Senator Hardesty moved to amend the committee substitute on page 19, line 30, by inserting "Approval by local health departments".

With leave of the committee, Jason Frame, Director, Office of Medical Cannabis, Bureau of Public Health, West Virginia Department of Health and Human Resources, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

The amendment was put and adopted.

With leave of the committee, Michael Haid, Mountaineer Holdings, LLC., 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, 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 Weld the committee adjourned.



Charles S. Trump IV
Chairman



Beverly Douglas
Analyst/Clerk

The Senate of West Virginia



Testimony taken this 18th 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."

Daniel Hall

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 18th 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."

TOM SUSMAN

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



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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."

Jason Framp

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Charles S. Tramp

Print Member Name

[Signature]

Sign Member Name

The Senate of West Virginia



Testimony taken this 18th 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."

Michael Hood

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

[Signature]

Sign Member Name