



West Virginia Senate

Committee on Judiciary

Minutes for FEBRUARY 20, 2020, 3:03 PM

Pursuant to the call of the Chair, the Senate Committee on Judiciary met on February 20, 2020, 3:03 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.

S. B. 711 - Relating to juvenile jurisdiction of circuit courts.

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. 529 - Establishing limitations on claims and benefits against state.

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 - Fire Commission rule relating to State Fire Code.

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

On motion of Senator Weld, the committee recommended the bill for passage.

S. B. 356 - Fire Commission rule relating to State Building Code.

Debra Graham, 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. 329 - DEP rule relating to ambient air quality standards.

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

On motion of Senator Baldwin, the committee amended the committee substitute on page 4, line 43, after the words "owner in" inserting the words "an amount not to exceed 120% of replacement cost."

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. 821 - Providing immunity from civil liability to facilities and employees providing crisis stabilization.

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

With leave of the committee, Mark Drennan, Chief Executive Officer, West Virginia Behavioral Healthcare Providers 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 in Section 1 by changing the bill to provide language establishing that it is not breach of standard of care to fail to send all individuals, presenting for the services, to the emergency room for medical clearance in gross negligence and willful and wanton misconduct for the imposition of liability in Subsection (a) and Subsection (c). The same was put and rejected.

On motion of Senator Woelfel, the committee amended the committee substitute striking crisis stabilization except where applied specifically to the provided services and strike Subsection (c) in its entirety.

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. 700 - Exempting physicians from specified traffic laws when responding to emergencies.

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

On motion of Senator Romano, the committee amended the committee substitute in Subsection (c), line 12, to add “safe operation of the physician’s vehicle under the circumstances described in this section,”

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 moved **Originating Resolution 1** next on the agenda.

Originating Resolution 1 – Requesting DEP and DHHR cooperatively propose and initiate a public source water supply study relating to PFAS.

Laura Goins, Counsel, explained the resolution and responded to questions.

On motion of Senator Hardesty, the committee amended the originating resolution on page 3, line 18 by striking the word “annually” and inserting in lieu thereof “semi-annually”.

With leave of the committee, Angie Rosser, West Virginia Rivers Coalition, 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, Scott Mandirola, Deputy Cabinet Secretary, 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.)

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

On motion of Senator Weld, the committee reported the originating resolution to the full Senate with the recommendation it be adopted.

Chairman Trump laid over **S. B. 827**.

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 20th 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."

Mark Drenna

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."

Angie Rosser

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."

Scott Mandroski

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

[Signature]

Sign Member Name