



West Virginia Senate

Committee on the Judiciary

Minutes for January 24, 2024, 3:00 PM

Pursuant to the call of the Chair, the Senate Committee on the Judiciary met on January 24, 2024, 3:00 PM in Room 208-W.

Members present: Senators Trump, Weld, Azinger, Barrett, Caputo, Deeds, Hamilton, Maynard, Rucker, Stover, Stuart, Taylor, Woelfel

Members absent: Senators Hunt, Martin, Swope, 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.

S. B. 451 - Requiring mandatory training for prosecutors provided by Prosecuting Attorneys Institute.

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

The question being on agreeing to the committee substitute, the same was put, and the committee substitute was agreed to.

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. The committee requests that the Committee on Finance waive second reference.

S. B. 189 - Providing for substantial deference to state school superintendent's interpretations of school laws.

Gordon Mowen, Counsel, explained the bill, and responded to questions.

With leave of the committee, Mary Catherine Tuckwiller, Attorney for Education Law, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

Senator Caputo moved to amend the bill on page 1, line 7, by striking the word “shall” and inserting the word “may”, and by striking the word “substantial”. The same was put, and the amendment was rejected.

Senator Caputo moved to amend the bill on page 1, line 8 by striking the period and inserting a semicolon followed by a proviso that generally states that this does not apply if there is a grievance already in progress on a particular matter

Counsel restated the amendment as follows: “Provided, that such deference shall not apply to opinions rendered during the pendency of a grievance proceeding in that proceeding.

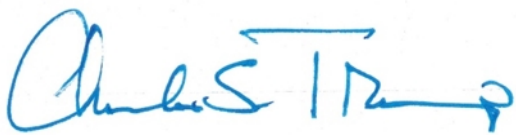
Unanimous consent being granted, Senator Caputo reformed his amendment to insert “unless otherwise agreed to by the parties to that proceeding”.

Unanimous consent being granted, Senator Caputo reformed his amendment to strike the word “opinion” and inserting the word “interpretations”.

The same was put and the amendment was rejected.

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

On Motion of Senator Weld the committee adjourned.



Charles S. Trump
Chair



Beverly Douglas
Clerk/Analyst

The Senate of West Virginia



Testimony taken this 24th day of January, 2024, 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."

Mary Catherine Tuckwiler
Print Witness Name

[Signature]
Sign Witness Name

Oath was administered by:

Charles S. Trump
Print Member Name

[Signature]
Sign Member Name