



West Virginia Senate

Committee on the Judiciary

Minutes for March 05, 2024, 3:00 PM

Pursuant to the call of the Chair, the Senate Committee on the Judiciary met on March 05, 2024, 3:00 PM in Room 208-W.

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

Members absent: Senator Takubo

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

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

Chairman Trump moved **HB 4837** first on the agenda.

H. B. 4837 - Clarifying the duty of banks to retain and procure records.

Gordon Mowen, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

With leave of the committee, Mark Mangano, President & CEO, West Virginia Bankers Association, was administered the oath prescribed by Senate Rule 28a by Chairman Weld, addressed the committee, and responded to questions. (See attached oath.)

Senator Trump requested a ruling from the Chair as to whether he should be excused from voting under Senate Rule 43.

Chairman Weld replied that any impact of the Senator would be a member of a class of persons possibly to be affected by the passage of this bill, and refused to excuse Senator Trump from voting.

Senator Stuart requested a ruling from the Chair as to whether he should be excused from voting under Senate Rule 43.

Chairman Weld replied that any impact of the Senator would be a member of a class of persons possibly to be affected by the passage of this bill, and refused to excuse Senator Stuart from voting.

Senator Trump moved to adopt the strike and insert amendment.

Senator Trump moved to amend the strike and insert amendment on page 3, section 118, lines 2, 3, and 12, by striking the word "five" and inserting in lieu thereof the number "10".

Senator Weld moved the bill to the foot of the agenda.

H. B. 4110 - Authorizing certain miscellaneous agencies and boards to promulgate legislative rules.

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

Senator Trump requested a ruling from the Chair as to whether he should be excused from voting under Senate Rule 43 pertaining to H. B. 4128 within the bundle.

Chairman Weld replied that any impact of the Senator would be a member of a class of persons possibly to be affected by the passage of this bill, and refused to excuse Senator Trump from voting.

Senator Trump moved to adopt the strike and insert amendment.

With leave of the committee, Linda Lyter, Executive Director, Massage Therapy Board, was administered the oath prescribed by Senate Rule 28a by Chairman Weld, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Joshua Arbaugh, Deputy Director of Laboratories, West Virginia Department of Agriculture, was administered the oath prescribed by Senate Rule 28a by Chairman Weld, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Trump, the committee reported the bill to the full Senate with the no recommendation as to passage, to be read a first time, and be rereferred to the committee.

On motion of Senator Trump, the committee recessed.

The committee reconvened.

Chairman Weld removed **H. B. 4320** from the agenda.

Chairman Weld moved **H. B. 4837** next on the agenda.

Unanimous consent being granted, Senator Trump withdrew his previous amendment.

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

With leave of the committee, Mark Adkins, Community Bankers of West Virginia, was administered the oath prescribed by Senate Rule 28a by Chairman Weld, addressed the committee, and responded to questions. (See attached oath.)

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

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

H. B. 4297 - Law Enforcement Officers Safety Act.

Tom Smith, Chief Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

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

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

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

H. B. 5561 - Relating to permitting the electronic execution of trusts.

Liz Schindzielorz, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

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

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

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

H. B. 5430 - Relating to per diem compensation and expenses of newly elected or appointed judicial officers receiving education and training prior to taking the oath of office.

Liz Schindzielorz, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

With leave of the committee, Keith Hoover, Deputy Administrative Director, Administrative Office, Supreme Court of Appeals, was administered the oath prescribed by Senate Rule 28a by Chairman Weld, addressed the committee, and responded to questions. (See attached oath.)

Senator Trump requested a ruling from the Chair as to whether he should be excused from voting under Senate Rule 43.

Chairman Weld replied that any impact of the Senator would be a member of a class of persons possibly to be affected by the passage of this bill, and refused to excuse Senator Trump from voting.

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

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

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

On Motion of Senator Trump the committee adjourned.



Ryan W. Weld
Chair



Beverly Douglas
Analyst/Clerk

The Senate of West Virginia



Testimony taken this 5th day of March, 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."

Mark Mangano

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Ryan W. Weld

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."

Linda Lyter
Print Witness Name

[Signature]
Sign Witness Name

Oath was administered by:

Ryan W. Weld
Print Member Name

[Signature]
Sign Member Name



The Senate of West Virginia

Testimony taken this 5th day of March, 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."

Josh Arbaugh

Print Witness Name

Josh Arbaugh

Sign Witness Name

Oath was administered by:

Ryan W. Weld

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."

J. Mark Atkins

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Ryan W. Weld

Print Member Name

[Signature]

Sign Member Name

The Senate of West Virginia



Testimony taken this 5th day of March, 2024, in
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"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."

Keith Hoover

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Ryan W. Weld

Print Member Name

[Signature]

Sign Member Name