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SEN. TORY ROCCA
SEN. STEVE BIEDA, MINORITY VICE CHAIR

THE SENATE
COMMITTEE ON JUDICIARY
SENATOR RICK JONES
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Senate Committee on Judiciary

A meeting of the Senate Committee on Judiciary was held on Tuesday, February 8, 2011 at 2:30 p.m. in Room 110 of the Farnum Building.

The meeting was called to order at 2:34 p.m.

Members present: Senators Jones, Schuitmaker, Rocca, and Bieda
Members excused: None

Senator Jones called the meeting to order.

Senator Jones announced the order of business for the day.

Approval of the minutes from February 1st, 2011

SB 77	Sen. Schuitmaker	Civil procedure; statute of limitations; statute of limitations and statute of repose for actions against architects, engineers, and construction contractors; revise.
SB 80	Sen. Whitmer	Crimes; embezzlement; penalties for financial exploitation of vulnerable adults; increase under certain circumstances.
SB 81	Sen. Whitmer	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of financial exploitation of vulnerable adult; revise to reflect increased penalties.
SB 99	Sen. Jones	Crimes; controlled substances; possession of certain schedule 1 controlled substances; prohibit, and provide a penalty.

Senator Jones laid before the committee Senate Bill 99 (Jones).

Sargent Brody Boucher, representing the Michigan State Police, supported the bill and did not wish to testify.

Senator Jones explained his bill to the committee members and answered question from the committee.

Senator Bieda moved that Senate Bill 99 be reported out of committee with the recommendation that the bill then pass. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, and Bieda (4/4)

Nays: none (0)

Pass: none (0)

Excused: none (0)

The committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bills 80 and 81 (Whitmer). Senator Jones explained that the bills today would be testimony only, and would become part of a bipartisan package with bills being worked on by Senator Schuitmaker.

Senator Whitmer testified in explanation and support of her bills. She and her guest, Sam Bucholter, an attorney with Senate Democratic Policy, answered questions and comments from committee members.

Those who gave testimony on the bills were as follows:

Felicia Wasson, representing the AARP—Support

Cathy Emerson, representing the Prosecuting Attorneys Association of Michigan—Support

Brad Vaater, representing Elder Law of Michigan—Support

Mary Pollock, representing the Council of the State Employee Retirees Association, submitted written testimony in support of the bills.

Stephanie Johnson, representing the Michigan Advocacy Project, supported the bills and did not wish to testify.

Senator Jones placed before the committee Senate Bill 77 (Schuitmaker).

Senator Schuitmaker testified in explanation and support of her bill. Senator Schuitmaker's guests also testified in support. They are as follows:

Gary Quesada, representing the AIA/ACEC/MSPE/MSPS

Ron Brenke, representing the American Council of Engineering Companies

Julie DeBoer, representing the Michigan Society of Professional Surveyors

Paul Magy, representing the Building Owners and Managers Association, testified in opposition to the bill. Mr. Magy then answered question from the committee.

The following people submitted cards, but did not wish to testify, on Senate Bill 77:

Billy Flory, representing the Michigan Association for Justice—Oppose
Chris Mitchell, representing the Michigan Health and Hospital Association—Oppose
Brian Reynolds—Support
David Vanderklok, representing Studio Ingrigue—Support
Matt Kurta, representing the Associated General Contractors of Michigan—Support
Karol Grove, representing the Michigan Society of Professional Surveyors—Support
Craig Amey, representing the Michigan Society of Professional Surveyors—Support
Mike Nystrom and Keith Ledbetter, representing the Michigan Infrastructure and Transportation Association—Support

Senator Schuitmaker moved to adopt the substitute (S-1) to Senate Bill 77. By an affirmative vote of the majority of members serving, the substitute was adopted. Voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, and Bieda (4/4)

Nays: none (0)

Pass: none (0)

Excused: none (0)

Senator Schuitmaker moved that Senate Bill 77 (S-1) be reported out of committee with the recommendation that the bill then pass. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, and Bieda (4/4)

Nays: none (0)

Pass: none (0)

Excused: none (0)

The committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Bieda moved to adopt the minutes from February 1st, 2011 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones adjourned the committee at 3:25 p.m.

2/15/11
Date Approved by Committee