



**MEMBERS:**

SEN. TONYA SCHUITMAKER, VICE CHAIRMAN  
SEN. TORY ROCCA  
SEN. STEVE BIEDA, MINORITY VICE CHAIR

**THE SENATE**  
**COMMITTEE ON JUDICIARY**  
**SENATOR RICK JONES**  
**CHAIRMAN**

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**Senate Committee on Judiciary**

A meeting of the Senate Committee on Judiciary was held on Tuesday, September 13, 2011 at 2:30 p.m. in Room 110 of the Farnum Building.

The meeting was called to order at 2:32 p.m.

Members present: Senators Jones, Schuitmaker, Rocca, Bieda  
Members excused: none

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Senator Jones called the meeting to order.

Senator Jones announced that the agenda for the committee:

Approval of Minutes

- |        |                  |   |
|--------|------------------|---|
| SB 551 | Sen. Hansen      | Corrections; other; possession or use of cellular telephone or wireless device by prisoner in correctional facility; prohibit, and provide penalties.                           |
| SB 552 | Sen. Hansen      | Corrections; other; distribution, possession, or use of cellular telephone or other wireless communication device in a jail; amend 1981 PA 7 to prohibit and provide a penalty. |
| SB 539 | Sen. Schuitmaker | Probate; guardians and conservators; appointment in this state of guardians and conservators appointed in other jurisdictions; allow.   |
| SB 353 | Sen. Robertson   | Traffic control; violations; any intoxicating substance; include in definition of "operating while intoxicated".  |
| SB 269 | Sen. Schuitmaker | Civil procedure; small claims; limitation on recovery amount in small claims suits; revise.   |

Senator Bieda moved to adopt the minutes from September 7, 2011 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee Senate Bills 551 and 552 (Senator Hansen). Senator Hansen explained the bills to the committee members and answered questions.

The following persons testified and answered questions on Senate Bills 551 and 552:

- Dean Roesler, Muskegon County Sheriff and representing the Michigan Sheriff's Association—Support
- Ron Schafer, representing the Prosecuting Attorneys Association of Michigan—Support
- Jessica Peterson, representing the Michigan Department of Corrections/Administration—Support

Senator Bieda moved that Senate Bill 551 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, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Excused: none (0)

Senator Bieda moved to recommend immediate effect for Senate Bill 551. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Rocca moved that Senate Bill 552 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, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Excused: none (0)

Senator Schuitmaker moved to recommend immediate effect for Senate Bill 552. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 539 (Senator Schuitmaker). Senator Schuitmaker explained the bill to committee members and answered questions.

The following persons testified and answered questions on Senate Bill 539:

- Constance Brigman, representing the Probate and Estate Planning Council of the State Bar of Michigan—Support

Senator Bieda moved that Senate Bill 539 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, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Excused: none (0)

Senator Rocca moved to recommend immediate effect for Senate Bill 539. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 353 (Senator Robertson). Senator Robertson explained the bill and substitute to committee members and answered questions.

The following persons testified and answered questions on Senate Bill 353:

- David Stamm, Police Chief, and Wes Evans, Police Officer, representing the Grand Blanc Township Police Department—Support (Mr. Evans submitted documents on file with clerk)
- Nicole Tlachac, representing the Prosecuting Attorneys Association of Michigan—Support

The following persons submitted cards, but did not wish to testify, on Senate Bill 353:

- Chris Hawkins, representing the Michigan State Police—Support

Senator Bieda moved to adopt the substitute (S-1) to Senate Bill 353. By an affirmative vote of the majority of members serving, the substitute was adopted. Voting as follows:

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

Nays: none (0)

Pass: none (0)

Excused: none (0)

Senator Bieda moved that Senate Bill 353 (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, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Excused: none (0)

Senator Bieda moved to recommend immediate effect for Senate Bill 353 (S-1). Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 269 (Senator Schuitmaker). Senator Schuitmaker explained the bill to committee members and answered questions.

The following persons testified and answered questions on Senate Bill 269:

- Elizabeth Lyon, representing the State Bar of Michigan—Oppose
- Donna Beaudet, representing the Michigan Court Administrators Association and the 46<sup>th</sup> District Court—Oppose (Also submitted written testimony on file with clerk)
- J. Kevin McKay, representing the District Court Administrators Association, the District Court Magistrates Association, and the Michigan Court Administrators Association—Oppose
- Jordan Kingdon, representing the Michigan Credit Union League—Support (Also submitted written testimony from his organization and coalition of others on file with clerk)
- Cheryl DeBoer, representing the First Community Federal Credit Union—Support (Also submitted written testimony on file with clerk)
- Judge Tom Boyd, representing the District Court Judges—Oppose

The following persons submitted cards, but did not wish to testify, on Senate Bill 269:

- Judi Sullivan, representing the Community Bankers of Michigan—Support
- Judge Ken Post, representing the 58<sup>th</sup> District Court/Ottawa County—Oppose (Also submitted written document on file with clerk)
- Patricia Herndon, representing the Michigan Bankers Association—Support
- Tricia Kinley, representing the Michigan Chamber of Commerce—Support

- Tabitha Zimny, representing the Rental Property Owners Association—Support

The following organizations submitted written testimony but were not present in person to testify on Senate Bill 269:

- Rodd Santomauro, Executive Director for Help Abolish Legal Tyranny (HALT)—Support

Senator Rocca offered an amendment, Rocca Amendment #1.

Senator Rocca moved to adopt the Rocca Amendment #1 to Senate Bill 269. 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, Bieda (4/4)

Nays: none (0)

Pass: none (0)

Excused: none (0)

Senator Schuitmaker moved that Senate Bill 269 be reported out of committee as amended as a clean substitute 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 (3/4)

Nays: Senator Bieda (1)

Pass: none (0)

Excused: none (0)

Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones adjourned the committee at 4:03 p.m.

9/27/11  
Date Approved by Committee

\*\*An audio recording of this committee meeting is available upon request for a minimal fee.