



MEMBERS:

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

THE SENATE
COMMITTEE ON JUDICIARY
SENATOR RICK JONES
CHAIRMAN

915 FARNUM
P.O. BOX 30036
LANSING, MICHIGAN 48909-7536
PHONE: (517) 373-3447
FAX: (517) 373-5849

DRAFT Minutes
Senate Committee on Judiciary

A meeting of the Senate Committee on Judiciary was held on Tuesday, December 11, 2012 at 12:30 p.m. in Room 402/403 of the Capitol Building.

The meeting was called to order at 12:34 p.m.

Members present: Senators Jones, Schuitmaker, Rocca
Members excused: Bieda

Senator Jones called the meeting to order.

Senator Jones announced the following agenda for the committee:

Approval of Minutes

HB 4998 Rep. Heise Civil procedure; evictions; court procedures; make miscellaneous revisions.

HB 4867 Rep. Johnson Torts; liability; liability of persons under equine activity liability act; limit to willful or wanton acts under certain circumstances.

HB 5768 Rep. McMillin Military affairs; other; restriction of activities by Michigan national guard and state and local employees; provide for under certain circumstances.

Senator Schuitmaker moved to adopt the minutes from December 5, 2012 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee House Bill 4867 (Rep. Johnson). Ben Frederick, staff to Representative Johnson, explained the bill to committee members and answered questions. Senator Jones announced that the Michigan Farm Bureau had called his office to indicate their support on the bill, but were not present to testify.

The following persons testified on House Bill 4867 and answered questions from committee members:

- Todd Tennis, Negligence Section-State Bar of Michigan—Oppose
- Bill Flory, Michigan Association for Justice--Oppose

The following persons submitted testimony cards but did not wish to speak on House Bill 4867:

- Julie Fershtman, Michigan Equine Partnership—Support
- Larry Julian, Michigan Equine Partnership—Support

Senator Jones moved that House Bill 4867 be reported out of committee with the recommendation that the bill then pass. The motion failed by an insufficient vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Jones, Schuitmaker (2/4)

Nays: none (0)

Pass: Senator Rocca (1)

Absent: Senator Bieda (1)

Senator Jones placed before the committee House Bill 5768 (Rep. McMillin). Alex Burton, staff to Representative McMillin, explained the bill to committee members and answered questions.

The following persons testified on House Bill 5768 and answered questions from committee members:

- Dennis Marburger, People Against the NDAA—Support

The following persons submitted testimony cards but did not wish to speak on House Bill 5768:

- Shelli Weisberg, ACLU of Michigan—Support

Senator Jones moved that House Bill 5768 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 (3/4)

Nays: none (0)

Pass: none (0)

Absent: Senator Bieda (1)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that House Bill 5768 be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bill 4998 (Rep. Heise). Senator Jones announced that there was a substitute for consideration. Marc Jordan, staff to Representative Heise, explained the bill and substitute to committee members and answered questions.

The following persons testified on House Bill 4998 and answered questions from committee members:

- Mia McNeil, Property Managers Association—Support
- Don Passenger, Michigan District Judges Association—Support (if amended)
- Jeff Kirkpatrick, Michigan Court Officers & Deputy Sheriffs Association—Support with MDJA amendments

The following persons submitted testimony cards but did not wish to speak on House Bill 4998:

- Peter Cunningham, State Bar of Michigan—Oppose

Senator Jones moved to adopt the S-2 Substitute to House Bill 4998. 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: none (0)

Pass: none (0)
Absent: Senator Bieda (1)

Senator Jones moved that House Bill 4998 (S-2) be reported out of committee with the recommendation that the bill then pass. The motion failed by an insufficient vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Jones, Schuitmaker (2/4)
Nays: none (0)
Pass: Senator Rocca (1)
Absent: Senator Bieda (1)

Senator Jones recessed the committee at 12:55 p.m.

Senator Jones reconvened the committee at 12:56 p.m.

Senator Jones moved to reconsider the vote by which House Bill 4867 failed. 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: none (0)
Pass: none (0)
Absent: Senator Bieda (1)

Senator Jones moved to reconsider the vote by which House Bill 4998 (S-2) failed. 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: none (0)
Pass: none (0)
Absent: Senator Bieda (1)

Senator Jones announced that if interested parties on the two bills that had failed in committee could come to an agreement, he would entertain holding another hearing during the week.

Senator Jones moved to excuse absent members. Without objection, absent members were excused.

Senator Jones adjourned the committee without objection at 12:58 p.m.

Date Approved by Committee:

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