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MICHIGAN SENATE  
**WAYNE KUIPERS**  
STATE SENATOR

COMMITTEES:  
EDUCATION, CHAIR  
JUDICIARY, CHAIR  
ADMINISTRATIVE RULES  
ENERGY POLICY  
GOVERNMENT OPERATIONS

## Minutes Of March 31, 2009

A meeting of the Senate Committee on Judiciary was held on Tuesday, March 31, 2009, in room 210, Farnum Building, 125 W. Allegan Street, Lansing, MI 48933.

- Senator Kuipers called the meeting to order at 1:06 P.M. The roll of the Committee was called by the Committee Clerk.

Senator Kuipers – Present  
Senator Cropsey – Present  
Senator Sanborn – Present  
Senator Patterson – Present  
Senator Stamas – Present  
Senator Whitmer - Present  
Senator Clarke – 1:08 P.M.  
Senator Basham – Present

### Agenda

- Approve minutes from March 24, 2009.

Motion by Senator Basham to approve the minutes from March 24, 2009 and was supported by Senator Stamas.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Excused  
Senator Basham – Yes

- Senator Kuipers opens up testimony on House Bill 4096.

1. Representative LeBlanc, the Bill's sponsor, spoke briefly to introduce the bill.
  2. Matt Bolger of the Michigan State Police did not wish to speak but is in support of the bill.
- Motion by Senator Cropsey to adopt Senate Bill 4096 S-1, supported by Senator Sandborn.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Yes  
Senator Basham – Yes

- Motion by Senator Cropsey to report House Bill 4096 S-1 with favorable recommendation and immediate effect, supported by Senator Sandborn.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Yes  
Senator Basham – Yes

- Senator Kuipers opens up testimony on Senate Bills 383-387.
  1. Mark Harder representing the Probate and Estate Planning Section, State Bar of MI supports the bills.

- Motion by Senator Clarke to adopt Senate Bill 383, supported by Senator Cropsey.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Yes  
Senator Basham – Yes

- Motion by Senator Clarke to report Senate Bill 383 with favorable recommendation and immediate effect, supported by Senator Cropsey.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Yes  
Senator Basham – Yes

- Motion by Senator Clarke to adopt Senate Bill 384, supported by Senator Cropsey.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Yes  
Senator Basham – Yes

- Motion by Senator Clarke to report Senate Bill 384 with favorable recommendation and immediate effect, supported by Senator Cropsey.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Yes  
Senator Basham – Yes

- Motion by Senator Clarke to adopt the Clarke amendment to SB 385, supported by Senator Cropsey.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes

Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Yes  
Senator Basham – Yes

- Motion by Senator Clarke to report the amended version Senate Bill 385 S-1 with favorable recommendation and immediate effect, supported by Senator Cropsey.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Yes  
Senator Basham – Yes

- Motion by Senator Clarke to adopt Senate Bill 386, supported by Senator Cropsey.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Yes  
Senator Basham – Yes

- Motion by Senator Clarke to report Senate Bill 386 with favorable recommendation and immediate effect, supported by Senator Cropsey.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Yes  
Senator Basham – Yes

- Motion by Senator Clarke to adopt Senate Bill 387, supported by Senator Cropsey.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Yes  
Senator Basham – Yes

- Motion by Senator Clarke to report Senate Bill 387 with favorable recommendation and immediate effect, supported by Senator Cropsey.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Yes  
Senator Basham – Yes

- Senator Kuipers opens up testimony on Senate Bill 35.
  1. Bill Flory, representing the Michigan Association for Justice, did not wish to speak but is opposed to the bill.
  2. Ron Brenke, representing ACEC and MSPE, spoke briefly and is in support of the bill.
  3. Gary Quesada, representing AIA Michigan, spoke briefly and is in support of the bill.
  4. Ken Lawless, representing AGC of Michigan, spoke briefly and is in support of the bill.
  5. John Fr'el, representing HNTB, spoke briefly and is in support of the bill.
- Motion by Senator Sandborn to adopt Senate Bill 35, supported by Senator Stamas.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Pass  
Senator Basham – Yes

- Motion by Senator Sandborn to report Senate Bill 35 with favorable recommendation and immediate effect, supported by Senator Stamas.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Pass  
Senator Basham – Yes

- Senator Kuipers opens up testimony on Senate Bills 411 and 412.
  1. Kieran Marion, representing the Uniform Law Commission, spoke briefly and is in support of the bill.
  2. Robin Ferriby representing the Council of Michigan Foundations, spoke briefly and is in support of the bill.
  3. Michael Boulus, representing the Presidents Council, State Universities of Michigan, did not wish to speak but is in support of the bill.
  4. Erin Pratt, representing Michigan Nonprofit Association, did not wish to speak but is in support of the bill.
  5. Bob Collier, representing the Council of Michigan Foundations, did not wish to speak but is in support of the bill.
  6. Scott Dzurka, representing the Michigan Association of United Ways, did not wish to speak but is in support of the bill.
- Motion by Senator Kuipers to adopt the amendment for SB 411, supported by Senator Cropsey.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Yes  
Senator Basham – Yes

- Motion by Senator Cropsey to report Senate Bill 411 S-1 with favorable recommendation and immediate effect, supported by Senator Sandborn.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Yes  
Senator Basham – Yes

- Motion by Senator Kuipers to adopt Senate Bill 412, supported by Senator Cropsey.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Yes  
Senator Basham – Yes

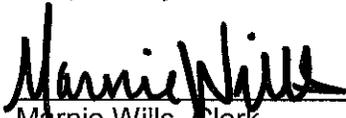
- Motion by Senator Kuipers to report Senate Bill 412 with favorable recommendation and immediate effect, supported by Senator Cropsey.

A record roll call was ordered as follows:

Senator Kuipers – Yes  
Senator Cropsey – Yes  
Senator Sanborn – Yes  
Senator Patterson – Yes  
Senator Stamas – Yes  
Senator Whitmer - Yes  
Senator Clarke – Yes  
Senator Basham – Yes

- Senator Kuipers adjourned the meeting at 2:11 P.M.

Respectfully Submitted,

  
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Marnie Wills, Clerk

  
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Wayne Kuipers, Chair

4/21/09  
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Date Approved