



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, March 1, 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, 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 23rd, 2011

SB 159	Sen. Jones	Criminal procedure; expunction; eligibility requirements for setting aside convictions; revise.
SB 160	Sen. Meekhof	Health; abortion; partial-birth abortions; prohibit.
SB 161	Sen. Hansen	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of performing partial-birth abortion; enact.
SB 163	Sen. Rocca	Communications; newspapers and magazines; methods for publication of legal notices; modify.
SB 164	Sen. Rocca	Natural resources; other; reference to definition of newspaper in natural resources and environmental protection act; revise to reflect repeal of statutory definition.

Senator Schuitmaker moved to adopt the minutes from February 23rd, 2011 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee Senate Bill 159 (Sen. Jones). Senator Jones explained the legislation to the committee. Senator Jones then answered questions from the committee members.

The following people submitted cards, but did not wish to testify, on Senate Bill 159:

Elizabeth Lym, representing the State Bar of Michigan—Support
KC Steckelberg, representing the Prosecuting Attorneys Association of Michigan—Support
Noah Smith, representing the Criminal Defense Attorneys of Michigan—Support

William Buhl, Retired Circuit Judge, submitted written testimony but was not present at the meeting (testimony is on file with the clerk).

Senator Schuitmaker moved that Senate Bill 159 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, and Rocca (3/4)

Nays: none (0)

Pass: none (0)

Excused: Senator Bieda (1)

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

Senator Jones placed before the committee Senate Bills 160 (Sen. Meekhof) and 161 (Sen. Hansen).

Senator Meekhof testified in explanation of the legislation. Senator Meekhof then answered questions from the committee members.

Senator Hansen testified in explanation of the legislation.

The following people submitted cards, but did not wish to testify, on Senate Bills 160 and 161:

Amy Hawkins, representing Citizens for Traditional Values—Support
Dan Jarvis, representing the Michigan Family Forum—Support
Paul Stankewitz, representing the Michigan Catholic Conference—Support
Mary Pollock, representing the Michigan National Organization for Women—Oppose

(The Michigan Catholic Conference and the Michigan National Organization for Women both submitted written testimony that is on file with the clerk)

Those who gave testimony on the bills were as follows:

Barbara Listing, representing Right to Life of Michigan—Support
LeAnn Kirmann, citizen—Support

Antonia Brunette, citizen—Support

Matthew Allswede, MD, representing the Michigan Section of the American Obstetrics and Gynecology, testified in opposition to the bills and answered questions from the committee members. Dr. Allswede also submitted written testimony.

Shelli Weisberg, representing the ACLU of Michigan, and Sarah Scranton, representing Planned Parenthood, testified together in opposition to the legislation. Ms. Weisberg and Ms. Scranton then answered questions from the committee. Both organizations submitted written testimony.

The Michigan State Medical Society submitted written testimony on the bills.

Senator Schuitmaker moved that Senate Bill 160 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, and Rocca (3/4)

Nays: Senator Bieda (1)

Pass: none (0)

Excused: none (0)

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

Senator Rocca moved that Senate Bill 161 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, and Rocca (3/4)

Nays: none (0)

Pass: Senator Bieda (1)

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 163 and 164 (Sen. Rocca).

Senator Rocca testified in explanation of his bills. Senator Rocca then answered questions from the committee members.

David Worthams, representing the Michigan Bankers Association, supported the bills and did not wish to testify.

Those who gave testimony on the bills were as follows:

Fred Jacobs, representing JAD Graphics—Opposed

David Bertram, representing the Michigan Townships Association—Neutral

Samantha Harkins, representing the Michigan Municipal League—Neutral
Deena Bosworth, representing the Michigan Association of Counties—Neutral
Brad Thomason, representing the Detroit Legal News—Support

Senator Rocca explained the amendments he had for Senate Bill 164. Senator Jones called for a brief recess to allow for preparation of the amendments before voting at 3:26 p.m. The committee reconvened at 3:31 p.m.

Senator Rocca moved that Senate Bill 163 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 amendment 1 to Senate Bill 164. By an affirmative vote of the majority of members serving, the amendment was adopted. Voting as follows:

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

Nays: none (0)

Pass: none (0)

Excused: none (0)

Senator Bieda moved to adopt amendment 2 to Senate Bill 164. By an affirmative vote of the majority of members serving, the amendment was adopted. Voting as follows:

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

Nays: none (0)

Pass: none (0)

Excused: none (0)

Senator Bieda moved to adopt amendment 3 to Senate Bill 164. By an affirmative vote of the majority of members serving, the amendment was adopted. Voting as follows:

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

Nays: none (0)

Pass: none (0)

Excused: none (0)

Senator Bieda moved to adopt amendment 4 to Senate Bill 164. By an affirmative vote of the majority of members serving, the amendment was adopted. Voting as follows:

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

Nays: none (0)

Pass: none (0)

Excused: none (0)

Senator Bieda moved to adopt amendment 5 to Senate Bill 164. By an affirmative vote of the majority of members serving, the amendment was adopted. Voting as follows:

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

Nays: none (0)

Pass: none (0)

Excused: none (0)

Senator Bieda moved that Senate Bill 164 as amended as a clean substitute 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)

Senator Jones adjourned the committee at 3:34 p.m.

3/8/11
Date Approved by Committee

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