



MEMBERS:

SEN. TONYA SCHUITMAKER, VICE CHAIRMAN
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, May 3, 2011 at 2:30 p.m. in Room 110 of the Farnum Building.

The meeting was called to order at 2:35 p.m.

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

Senator Jones called the meeting to order.

Senator Jones announced that the agenda for the committee:

Approval of Minutes

SB 137	Sen. Jones	Education; discipline; policy prohibiting harassment and bullying at school; require.
SB 281	Sen. Hune	Torts; liability; bowling centers; provide immunity from liability for slip and falls under certain circumstances.
SR 34	Sen. Jones	A resolution to memorialize the United States Congress to take immediate steps to provide funding to the Drug Enforcement Agency for the cleanup of clandestine methamphetamine laboratories seized by state and local law enforcement.
HB 4231	Rep. Walsh	Torts; liability; waiver of claims of liability in connection with children's athletic and recreational activities; allow parent to sign.
HB 4167	Rep. McMillin	Criminal procedure; sentencing guidelines; sentencing guidelines for moving violation in a work zone causing death; include school bus zones.
HB 4168	Rep. O'Brien	Crimes; vehicle offenses; moving violations in a school bus zone; provide for increased penalties.

Senator Schuitmaker moved to adopt the minutes from March 15th, 2011 with unanimous consent. Without objection, the minutes were adopted.

Senator Bieda moved to adopt the minutes from April 12th, 2011 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee Senate Bill 137 (Sen. Jones). Senator Jones explained his bill and the substitute to the committee.

The following persons testified on Senate Bill 137:

- Kevin Epling, representing Bully Police USA—Neutral
- Adam Taylor, representing the Michiganians Against Bullying in Schools—Support with Bieda amendments, but oppose without amendments
- Emily Dievendorf, representing Equality Michigan—Oppose (Also submitted written testimony on file with clerk).
- Dan Levy, representing the Michigan Department of Civil Rights—Neutral
- Chase Stein, representing GLSEN Southeast Michigan Youth Board; Heather Creech, citizen; and Cassidy Creech, citizen—Support with amendments. The three then answered questions from the committee members

The following persons submitted cards, but did not wish to testify, on Senate Bill 137:

- Brad Biladeau, representing the Michigan Association of School Administrators—Support
- Bob Kefgen, representing the Michigan Association of Intermediate School Administrators—Support
- Linda Myers, representing the Michigan Education Association—Support
- Debbie Squires, representing the Michigan Elementary and Middle School Principals—Support
- Ellen Hoekstra, representing the Michigan Association of School Psychologists—Support
- Mia McNeil, representing the Michigan Counselors Association—Support
- Paul Stankewitz, representing the Michigan Catholic Conference—Support

Senator Bieda offered two amendments to the S-1 substitute of Senate Bill 137. Senator Bieda explained his amendments to the committee and answered questions.

Senator Bieda moved to adopt Bieda Amendment #1 to the S-1 substitute for Senate Bill 137. The motion failed by a vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senator Bieda (1/4)

Nays: Senators Jones, Schuitmaker and Rocca (3)

Pass: none (0)

Excused: none (0)

Senator Bieda moved to adopt Bieda Amendment #2 to the S-1 substitute for Senate Bill 137. The motion failed by a vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senator Bieda (1/4)

Nays: Senators Jones, Schuitmaker and Rocca (3)

Pass: none (0)

Excused: none (0)

Senator Rocca moved to adopt the substitute (S-1) to Senate Bill 137. 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 Rocca moved that Senate Bill 137 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)

Senator Schuitmaker moved to recommend immediate effect for Senate Bill 137 S-1. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones placed before the committee House Bill 4167 (Rep. McMillin) and 4168 (Rep. O'Brien). Rep. McMillin and Rep. O'Brien testified in explanation of the bills.

The following persons testified on House Bills 4167 and 4168:

- Captain Mike Johnson, representing the Oakland County Sheriff's Office—Support

The following persons submitted cards, but did not wish to testify, on House Bills 4167 and 4168:

- Sgt. Chris Hawkins, representing the Michigan State Police—neutral

Senator Schuitmaker moved that House Bill 4167 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 Bieda moved to recommend immediate effect for House Bill 4167. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Bieda moved that House Bill 4168 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 Schuitmaker moved to recommend immediate effect for House Bill 4168. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 281 (Sen. Hune). Stacey Murray, representing Senator Hune, explained his bill to the committee.

The following persons testified on Senate Bill 281:

- Devon Glass, representing the Michigan Association for Justice—Oppose
- Roger Philipi, representing the Bowling Centers Association of Michigan—Support

Senator Jones indicated more work would be done on the floor on the bill, but that he would like to move it at the day's meeting.

Senator Schuitmaker moved that Senate Bill 281 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: Senator Bieda (1)

Pass: none (0)

Excused: none (0)

Senator Schuitmaker moved to recommend immediate effect for Senate Bill 281. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Resolution 34 (Sen. Jones). Senator Jones explained the legislation to the committee members.

David Bertram, representing the Michigan Townships Association, supported the resolution and did not wish to speak.

Senator Schuitmaker moved that Senate Resolution 34 be reported out of committee with the recommendation that the resolution be adopted. 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 placed before the committee House Bill 4231 (Rep. Walsh). Brett Visner, representing Rep. Walsh, testified in explanation of the bill.

The following persons submitted cards, but did not wish to testify, on House Bill 4231:

- Bill Flory, representing the Michigan Association for Justice—Support
- Kyle Caldwell, representing the Michigan Nonprofit Association—Support
- Todd Tennis, representing the Negligence Law Section of the State Bar of Michigan—Support

Senator Bieda moved to adopt the substitute (S-1) to House Bill 4321. 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 Bieda moved that House Bill 4231 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)

Senator Schuitmaker moved to recommend immediate effect for House Bill 4231 S-1. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

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

5/10/11

Date Approved by Committee

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