



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, May 1, 2012 at 2:30 p.m. in Room 110 of the Farnum Building.

The meeting was called to order at 2:31 p.m.

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

Senator Jones called the meeting to order.

Senator Jones announced that the agenda for the committee:

Approval of Minutes

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| SB 1001 | Sen. Caswell | Family law; child support; fee for collecting and processing child support withholdings; provide for. |
| HB 4798 | Rep. Rendon | Criminal procedure; sentencing guidelines; sentencing guidelines for crime of coercing a female to have an abortion against her will; enact. |
| HB 4799 | Rep. Opsommer | Crimes; other; coercing female to have an abortion against her will; prohibit, and provide penalties. |
| HB 5134 | Rep. Jenkins | Health; abortion; oral screening of individual seeking an abortion for coercion to abort and domestic violence; require. |
| HB 5181 | Rep. O'Brien | Civil procedure; civil actions; civil action for coercion of an abortion; provide for. |
| HB 5182 | Rep. O'Brien | Health; abortion; coercive abortion prevention materials; require department to create and provide other general amendments. |

For Testimony Only:

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|---------|------------------|--|
| SB 1092 | Sen. Jones | Civil procedure; other; judgment liens; provide for foreclosure. |
| SB 978 | Sen. Schuitmaker | Probate; trusts; trust decanting; allow. |

SB 979 Sen. Schuitmaker Probate; trusts; personal property trust perpetuities act; modify to account for decanted trusts.

SB 980 Sen. Jones Probate; trusts; powers of appointment; revise.

Senator Schuitmaker moved to adopt the minutes from April 24, 2012 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones entertained a motion to report Senate Bill 1073 (Sen. Robertson) with recommendation that the bill be referred to the Senate Committee on Local Government and Elections. Senator Jones moved that Senate Bill 1073 be reported out of committee with the recommendation that the bill be referred to the Senate Committee on Local Government and Elections. 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)

Absent: none (0)

Senator Jones placed before the committee Senate Bill 1001 (Sen. Caswell). Senator Caswell explained the bill and substitute to committee members and answered questions.

The following persons submitted cards, but did not testify, on Senate Bill 1001:

- Bill Kandler, representing the Family Law Section of the State Bar of Michigan—Oppose

The following persons submitted written testimony, but did not testify, on Senate Bill 1001:

- Kent Weichmann, representing the Family Law Section of the State Bar of Michigan—Oppose

Senator Schuitmaker moved to adopt the S-1 Substitute to Senate Bill 1001. 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)

Absent: none (0)

Senator Schuitmaker moved that Senate Bill 1001 (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)

Absent: none (0)

Senator Schuitmaker moved to recommend immediate effect for Senate Bill 1001 (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 Bills 4798-4799, 5134, 5181-5182 (Reps. Rendon, Opsommer, Jenkins & O'Brien). Senator Jones announced that there was a substitute for House Bill 4799, and explained the substitute to members. Senator Jones also announced that testimony had been taken at the previous meeting on the bills, and that today the committee would be voting on the bills.

The following persons submitted cards, but did not testify, on House Bills 4798-4799, 5134, 5181-5182:

- Bill Kandler, representing the Michigan Section of the American College of Obstetricians and Gynecologists—Oppose
- Kathy Hagiman, representing the Michigan Coalition Against Domestic and Sexual Violence—Support
- Shelli Weisberg, representing the American Civil Liberties Union of Michigan—Oppose

The following persons submitted written testimony, but did not testify, on House Bills 4798-4799, 5134, 5181-5182:

- Mary Pollock, representing the Michigan National Organization for Women—Oppose
- Susan Robertson, Citizen—Oppose

Senator Bieda asked a question for the Legislative Service Bureau.

Senator Jones recessed the committee at 2:40 p.m.

Senator Jones reconvened the committee at 2:43 p.m.

Senator Jones moved that House Bill 4798 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: Senator Bieda (1)

Absent: none (0)

Senator Jones moved to recommend immediate effect for House Bill 4798. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones moved to adopt the S-1 Substitute to House Bill 4799. 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: Senator Bieda (1)

Absent: none (0)

Senator Jones moved that House Bill 4799 (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 (3/4)

Nays: none (0)

Pass: Senator Bieda (1)

Absent: none (0)

Senator Jones moved to recommend immediate effect for House Bill 4799 (S-1). Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones moved that House Bill 5134 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: Senator Bieda (1)
Absent: none (0)

Senator Jones moved to recommend immediate effect for House Bill 5134. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones moved that House Bill 5181 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: Senator Bieda (1)

Absent: none (0)

Senator Jones moved to recommend immediate effect for House Bill 5181. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones moved that House Bill 5182 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: Senator Bieda (1)

Absent: none (0)

Senator Jones moved to recommend immediate effect for House Bill 5182. Without objection, the committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 1092 (Sen. Jones) for testimony. Senator Jones explained the bill to committee members and answered questions.

The following persons testified on Senate Bill 1092 and answered questions from committee members:

- Michael H.R. Buckles, representing the Michigan Creditors Bar Association—Support
- Patrick M. Clawson, representing the Michigan Process Servers Alliance—Oppose (Also submitted written testimony on file with the clerk)

Senator Jones placed before the committee Senate Bill 978-980 (Sens. Schuitmaker and Jones) for testimony. Senator Schuitmaker explained the bills to committee members and answered questions.

The following persons testified on Senate Bills 978-980 and answered questions from committee members:

- James P. Spica, Attorney for the Greenleaf Trust—Support

The following persons submitted cards, but did not testify, on Senate Bills 978-980:

- Debbie Mitin, representing the Michigan Bankers Association—Support

Senator Jones adjourned the committee at 3:24 p.m.

Date Approved by Committee: May 8, 2012

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