



**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

**Senate Committee on Judiciary**

A meeting of the Senate Committee on Judiciary was held on Tuesday, May 22, 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

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Senator Jones called the meeting to order.

Senator Jones announced that the agenda for the committee:

Approval of Minutes

- |        |                  |   |
|--------|------------------|---|
| SB 809 | Sen. Schuitmaker | Traffic control; other; eligibility for sobriety court; clarify.  |
| SB 94  | Sen. Rocca       | Worker's compensation; disabilities; occupational cancer; provide presumption for certain firefighters regarding.           |
| SB 895 | Sen. Green       | Civil procedure; execution; educational trusts and accounts; provide exemption from execution, garnishment, and attachment. |

For Testimony Only:

- |         |                  |  |
|---------|------------------|--|
| SB 246  | Sen. Schuitmaker | Juveniles; criminal procedure; juvenile competency standards; revise.  |
| SB 247  | Sen. Schuitmaker | Juveniles; criminal procedure; juvenile competency and culpability; clarify.   |
| SB 1096 | Sen. Smith       | Cities; other; failure to pay civil fine and costs imposed by a city administrative hearings bureau; penalize under certain circumstances.         |
| SB 1097 | Sen. Johnson     | Land use; zoning and growth management; persons delinquent in paying blight violation fines; allow cities to make ineligible for zoning approvals. |
| SB 1098 | Sen. Schuitmaker | Construction; permits; persons delinquent in paying blight violation fines; allow cities to make ineligible for construction code approval.        |

SB 1099 Sen. Jones Civil procedure; garnishment; garnishment for failure to pay fines or costs ordered under the home rule cities act; provide for.

SB 1100 Sen. Hunter Civil procedure; foreclosure; power of a home rule city's department of administrative hearings to foreclose on property; establish.

Senator Schuitmaker moved to adopt the minutes from May 15, 2012 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee Senate Bill 809 (Sen. Schuitmaker). Senator Jones announced that there was a substitute for consideration.

Senator Jones moved to adopt the S-3 Substitute to Senate Bill 809. 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, Bieda (3/4)

Nays: none (0)

Pass: none (0)

Absent: Senator Rocca (1)

Senator Rocca entered the committee room at 2:33 p.m.

Senator Jones moved that Senate Bill 809 (S-3) 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 Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that Senate Bill 809 (S-3) be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 895 (Sen. Green).

Senator Bieda moved that Senate Bill 895 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 Bieda moved the committee recommend immediate effect. Without objection, the committee further recommended that Senate Bill 895 be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bills 246 & 247 (Sen. Schuitmaker) for testimony. Senator Jones announced that there were substitutes before the committee for consideration. Senator Schuitmaker explained the bills and substitutes to committee members and answered questions.

The following persons testified on Senate Bills 246 & 247 and answered questions from committee members:

- Jeff Fink, Kalamazoo City Prosecutor and representing the Prosecuting Attorneys Association of Michigan—Support with amendments
- Michelle Weinhoff, representing the Michigan Council on Crime and Delinquency—Support (also submitted written testimony on file with the clerk)
- Honorable Michael J. Anderegg, representing the Michigan Probate Judges Association—Support (also submitted written testimony on file with the clerk)

The following persons submitted cards, but did not testify, on Senate Bills 246 & 247:

- Kathleen Gross, representing the Michigan Psychiatric Society—Oppose as written, would support with amendments (also submitted written testimony on file with the clerk)
- Elizabeth Lyon, representing the State Bar of Michigan—Support
- Shelli Weisberg, representing the American Civil Liberties Union of Michigan—Support
- Alan Bolter, representing the Michigan Association of Community Mental Health Boards—Oppose (also submitted written testimony on file with the clerk)
- Judith Kovach, representing the Michigan Psychological Association—Oppose as written (also submitted written testimony on file with the clerk)
- Bill Kandler, representing the Mental Health Association of Michigan—Support
- Ellen Hoekstra, representing the National Association of Social Workers—Support
- Noah Smith, representing the Michigan Counseling Association—Support (also submitted written testimony on file with the clerk)

Senator Jones placed before the committee Senate Bills 1096-1100 (Sens. Smith, Johnson, Schuitmaker, Jones and Hunter) for testimony. Senator Smith and Minority Legal Counsel John Molcrum explained the bills to committee members and answered questions.

The following persons submitted cards, but did not testify, on Senate Bills 1096-1100:

- Jennifer Bowman, representing the Michigan State Housing Development Authority—Neutral
- James McBryde, representing the Michigan Economic Development Corporation—Neutral
- Andy Schor, representing the Michigan Municipal League—Support

The following persons submitted written testimony, but did not testify, on Senate Bills 1096-1100:

- Medina Abdun-Noor, Director of the Department of Administrative Hearings for the City of Detroit—Support
- John Mogk, Professor of Law at Wayne State University—Support
- Councilman James Tate Jr., City of Detroit—Support

Senator Schuitmaker left the committee room at 3:25 p.m.

Senator Jones placed before the committee Senate Bill 94 (Sen. Rocca). Senator Rocca explained the bill to committee members and answered questions.

The following persons testified on Senate Bill 94 and answered questions from committee members:

- Mark Docherty, representing the Michigan Professional Fire Fighters Union—Support (also submitted written testimony on file with the clerk)
- Dr. Virginia Weaver, representing the International Association of Fire Fighters—Support (also submitted written testimony on file with the clerk)
- Eric Weber, representing the Michigan Professional Fire Fighters Union—Support
- Samantha Harkins, representing the Michigan Municipal League—Oppose
- David Parish, representing Local 366 City of Grand Rapids—Support (also submitted written testimony on file with the clerk)

The following persons submitted cards, but did not testify, on Senate Bill 94:

- Dyck Van Koevering, representing the Insurance Institute of Michigan—Oppose (also submitted written testimony on file with the clerk)
- Aileen Pettinger, representing the Michigan Professional Fire Fighters Union—Support
- Chris Reynolds, representing the Michigan Professional Fire Fighters Union—Support
- Kristen Kraft, representing the Accident Fund Insurance Company of America—Oppose
- Wendy Block, representing the Michigan Chamber of Commerce—Oppose
- Daniel Dawe, representing the Michigan Professional Fire Fighters Union/West Bloomfield Fire Fighters—Support
- Mitch Tokarski, representing the Michigan Professional Fire Fighters Union/Westland Fire Fighters—Support
- Jeff Lachowicz, representing the Michigan Professional Fire Fighters Union/Westland Fire Fighters—Support
- Brian Vogan, representing the Michigan Professional Fire Fighters Union—Support
- Craig Barker, representing the Michigan Professional Fire Fighters Union—Support
- Chris Lake, representing Lansing Fire Fighters International Association of Fire Fighters Local 421—Support
- Terrence Chesney, representing the Michigan Professional Fire Fighters Union—Support
- William E. Smith, representing the Grand Rapids Fire Fighters Union—Support
- Mark Fankhauser, representing the Grand Rapids Fire Fighters Union—Support
- James Plieth, President of the Fire Fighters Cancer Foundation—Support

Senator Rocca moved that Senate Bill 94 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, Rocca, Bieda (3/4)

Nays: none (0)

Pass: none (0)

Absent: Senator Schuitmaker (1)

Senator Jones moved the committee recommend immediate effect. Without objection, the committee further recommended that Senate Bill 94 be given immediate effect by unanimous consent.

Senator Jones adjourned the committee at 3:49 p.m.

Date Approved by Committee: May 29, 2012

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