

**MINUTES OF THE COMMITTEE
ON
JUDICIARY**

Thursday, March 20, 2014

9:00 a.m.

Room 521 House Office Building

The House Standing Committee on Judiciary was called to order by the Chair.

Members present: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanaugh, Lipton, Irwin, Clemente.

Members absent/excused: None.

Representative Heise moved to approve the minutes of the March 13, 2014 meeting. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 5270, HB 5271, and HB 5272 before the committee:

HB 5270 (McMillin) Law enforcement; investigations; electronic video recording of child interrogations; require.

HB 5271 (Kosowski) Criminal procedure; evidence; consideration of videorecorded statements in certain proceedings; allow.

HB 5272 (Hooker) Children; protection; videorecorded statements; allow to be used in child protective services hearings, increase fines for improper release of, and require to retain for certain period of time.

Mona Armstrong, representing the Prosecuting Attorneys Association of Michigan, testified in opposition to the bills. Questions and discussion followed.

Thomas Knapp, representing the Michigan Chapter of the National Children's Alliance, testified in support of the bills.

Kathy Hagenian, representing the Michigan Coalition to End Domestic and Sexual Violence, submitted a card in opposition to the bills, but did not wish to speak.

Darcy Komejan, representing the Children's Advocacy Center of Ottawa County, submitted a card in support of the bills, but did not wish to speak.

The Chair laid HB 5178 before the committee:

HB 5178 (Pettalia) Torts; premises liability; liability for recreational user; include aviation activities.

Representative Pettalia, Gary Tokar and Brad Fredrick, both representing Michigan Private Airstrip Owners, all testified in support of the bill. Questions and discussion followed.

Bill Flory, representing the Michigan Association for Justice, testified in opposition to the bill. Questions and discussion followed.

The Chair laid HB 5335 before the committee:

HB 5335 (Jacobsen) Torts; premises liability; liability of possessor of land for injuries to trespassers; codify.

Representative Jacobsen and Chris Appel, representing Shook Hardy and Bacon, LLP, both testified in support of the bill. Questions and discussion followed.

Bill Flory, representing the Michigan Association for Justice, testified on the bill.

Jon Cool, representing the Michigan Railroads Association, testified in support of the bill. Questions and discussion followed.

Wendy Block, representing the Michigan Chamber of Commerce, and Amanda Fisher, representing the National Federation of Independent Business, both testified in support of the bill.

Matt Smego, representing the Michigan Farm Bureau, submitted a card with a neutral position on the bill, but did not wish to speak.

The following people submitted a card in support of the bill, but did not wish to speak:

Andy Such, representing the Michigan Manufactures Association.

Mark Stadt, representing DTE Energy.

Jim Szymusiak, representing Consumers Energy.

John Griffin, representing the Association Petroleum Industries of Michigan.

Tabitha Zimny, representing the Apartments Association of Michigan.

Brendan Ringlever, representing the Potato Growers of Michigan.

Mia McNeil, representing the Michigan Aggregates Association.

James Ryan, representing the International Council of Shopping Centers.

George Carr, representing Michigan Concrete Association and Michigan Ground Water Association.

Scott Robbins, representing the Michigan Forest Products Council.

Cami Pendell, representing SteelPro.

Brian Westrin, representing Michigan Realtors.

Jim Miller, representing the Michigan Agribusiness Association.

Dyale Van Koeverop, representing the Insurance Institute of Michigan.

The Chair laid HB 5057 before the committee:

HB 5057 (Johnson) Property; other; adverse possession of property; eliminate.

Representative Johnson testified in support of his bill. Questions and discussion followed.

Philip Savich, representing the Michigan Land Title Association, testified in opposition to the bill. Questions and discussion followed.

The Chair laid HB 5055 before the committee:

HB 5055 (Johnson) Criminal procedure; warrants; defraying of costs incurred by local unit of government in executing bench warrants; allow.

Judy Allen, representing the Michigan Townships Association, submitted a card in support of the bill, but did not wish to speak.

Representative Johnson moved to report HB 5055 with recommendation. The motion did not prevail 5-3-3.

UNFAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Johnson, LaFontaine, Leonard.

Nays: Reps. Howrylak, Lipton, Irwin.

Pass: Reps. Heise, Cavanagh, Clemente.

Representative Kesto moved to reconsider the vote by which HB 5055 failed. The motion prevailed 7-2-2.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak.

Nays: Reps. Lipton, Irwin.

Pass: Reps. Cavanagh, Clemente.

The Chair laid HB 5246 before the committee:

HB 5246 (Rogers) Criminal procedure; warrants; use of electronic video equipment for issuance of warrants; allow for law enforcement officials.

Representative Kesto moved to adopt substitute (H-2) to HB 5246. The motion prevailed 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Cavanagh, Lipton, Irwin, Clemente.

Nays: None.

Pass: Rep. Howrylak.

Representative Kesto moved to report HB 5246 as substitute (H-2) with recommendation. The motion prevailed 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Cavanagh, Lipton,

Irwin, Clemente.

Nays: None.

Pass: Rep. Howrylak.

The Chair returned to HB 5270, HB 5271, and HB 5272.

Representative LaFontaine moved to report HB 5270 with recommendation. The motion prevailed 7-0-4.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, Leonard, Cavanagh, Irwin.

Nays: None.

Pass: Reps. LaFontaine, Howrylak, Lipton, Clemente.

Representative Kesto moved to report HB 5271 with recommendation. The motion prevailed 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Irwin, Clemente.

Nays: None.

Pass: Rep. Lipton.

Representative Kesto moved to report HB 5272 with recommendation. The motion prevailed 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Irwin, Clemente.

Nays: None.

Pass: Rep. Lipton.

The Chair laid HB 5199, HB 5200, and HB 5201 before the committee:

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| HB 5199 (Schor) | Housing; landlord and tenants; allocation of responsibilities; provide for with respect to prevention and management of bedbug infestation. |
| HB 5200 (Callton) | Health; other; pest infestation; include as a reason the department or local health department may issue an order to correct, and assess costs for refusal to comply with order. |
| HB 5201 (Darany) | Health; other; model policy regarding bedbug infestations; require department to create for use by local units of government and local health departments. |

Representative Heise moved to report HB 5199 with recommendation that the bill be referred to the Committee on Health Policy. The motion prevailed 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Lipton, Irwin, Clemente.

Nays: None.

Pass: None.

Representative Kesto moved to report HB 5200 with recommendation that the bill be referred to the Committee on Health Policy. The motion prevailed 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Lipton, Irwin, Clemente.

Nays: None.

Pass: None.

Representative Kesto moved to report HB 5201 with recommendation that the bill be referred to the Committee on Health Policy. The motion prevailed 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Lipton, Irwin, Clemente.

Nays: None.

Pass: None.

The Chair returned to HB 5057.

Ron Nadis, representing the Real Property Law Section of the State Bar of Michigan, testified in opposition to the bill.

Brian Westin, representing the Michigan Realtors, submitted a card in opposition to the bill, but did not wish to speak.

There being no further business before the committee, the Chair adjourned the meeting at 10:31 a.m.

Representative Kevin Cotter, Chair _____

Angie Lake, Committee Clerk
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