

**MINUTES OF THE COMMITTEE  
ON  
JUDICIARY**

Thursday, April 17, 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 20, 2014 meeting. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 5178 before the committee:

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

Bill Flory, representing the Michigan Association of Justice, submitted a card in opposition to the bill, but did not wish to speak.

Brynn Bupps, representing Airport Owners and the Pilots Association, submitted a card in support of the bill, but did not wish to speak.

George Carr, representing the King Trout Airport, 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.

Mike Compagnoni, representing Representative Jacobsen's office, discussed the changes made in the substitute. Questions and discussion followed.

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

Scott Hummel, representing the Michigan Association of Insurance Agents.

Gary Owens, representing Plum Creek.

Jim Ault, representing the Michigan Electric and Gas Association.

Jim Szumusiak, representing Consumers Energy.

Brad Ward, representing Michigan Realtors.

Jim Cool, representing the Michigan Railroads Association.

Greg Clark, representing Indiana Michigan Power.

Wendy Block, representing the Michigan Chamber of Commerce.

Bill Flory, representing the Michigan Association for Justice, submitted a card with a neutral position on the bill.

Representative Leonard moved to adopt substitute (H-1) to HB 5335. The motion prevailed 9-0-0.

#### FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Leonard moved to report HB 5335 as substitute (H-1) with recommendation. The motion prevailed 7-0-3.

#### FAVORABLE ROLL CALL

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

Nays: None.

Pass: Reps. Howrylak, Irwin, Clemente.

The Chair laid SB 749 before the committee:

SB 749 (Schuitmaker) Crime victims; other; definition of a victim; include in certain circumstances.

John Lazet, representing the Attorney General, submitted a card in support of the bill, but did not wish to speak.

Representative Heise moved to report SB 749 with recommendation. The motion prevailed 10-0-0.

#### FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

The Chair laid HB 5383, HB 5384, and HB 5385 before the committee:

HB 5383 (Lauwers) Criminal procedure; evidence; expert witness testimony concerning chemical testing and custody of evidence by video communication; allow at preliminary examination and trial for certain prosecutions, and provide for release subject to conditions reasonably necessary for the protection of the public under certain circumstances.

HB 5384 (Lauwers) Traffic control; driver license; preliminary chemical analysis test results; require to be entered into LEIN if results are positive.

HB 5385 (Lauwers) Crimes; intoxication or impairment; preliminary chemical testing for certain controlled substances; authorize, and provide for procedures

and penalties for refusal.

Representative Johnson moved to adopt substitute (H-1) to HB 5383. The motion prevailed 9-0-0.

**FAVORABLE ROLL CALL**

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

Nays: None.

Pass: None.

Representative Johnson moved to adopt substitute (H-1) to HB 5385. The motion prevailed 8-0-0.

**FAVORABLE ROLL CALL**

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

Nays: None.

Pass: None.

Representative Lauwers, Mike Wendling, representing the St. Clair County Prosecuting Attorney, and Sgt. Dwayne Gill, representing the Michigan State Police, all testified in support of the bills. Questions and discussion followed.

Shelli Weisberg, representing the American Civil Liberties Union of Michigan, submitted a card in opposition to HB 5384 and HB 5385, but did not wish to speak.

Robin Schneider, representing the National Patients' Rights Association, testified in opposition to HB 5385.

Ben Horner, representing the Cannabis Stakeholders Group, testified in opposition to HB 5385.

Rick Thompson, representing the Americans for Safe Access of Michigan, testified in opposition to HB 5384 and HB 5385. Questions and discussion followed.

Eric Gunnels, representing himself, testified in opposition to HB 5384 and HB 5385.

There being no further business before the committee, the Chair adjourned the meeting at 10:16 a.m.

**Representative Kevin Cotter, Chair** \_\_\_\_\_

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