

**MINUTES OF THE COMMITTEE
ON
JUDICIARY**

Thursday, May 8, 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, Lipton, Irwin, Clemente.

Members absent/excused: Rep. Cavanaugh.

Representative Heise moved to approve the minutes of the May 1, 2014 meeting. There being no objection, the motion prevailed by unanimous consent.

Representative LaFontaine moved to excuse Representative Cavanaugh. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 5082 before the committee:

HB 5082 (Heise) Family law; parenting time; parenting coordinator; create.

Representative Heise moved to adopt substitute (H-1) to HB 5082. The motion prevailed 9-0-1.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: Rep. Howrylak.

Bill Kandler, representing the Family Law Section of the State Bar of Michigan, submitted a card in support of the bill, but did not wish to speak.

Victoria Larson and Elaine McCool, representing themselves, submitted a card in opposition to the bill, but did not wish to speak.

Representative Heise moved to report HB 5082 as substitute (H-1) with recommendation. The motion prevailed 10-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

The Chair laid HB 5178 before the committee:

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

aviation activities.

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

Bryan Bupps, representing the Aircraft Owners and Pilots Association.

Gary Tokar, representing the Michigan Private Airstrip Owners Association.

Brad Frederick, representing the Michigan Private Airstrip Owners Association

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

Representative LaFontaine moved to report HB 5178 with recommendation. The motion prevailed 6-3-1.

FAVORABLE ROLL CALL

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

Nays: Rep. Lipton, Irwin, Clemente.

Pass: Rep. Howrylak.

The Chair laid SB 714 before the committee:

SB 714 (Schuitmaker) Civil procedure; alternate dispute resolution; uniform collaborative law act; enact.

Bill Kandler, representing the Family Law Section of the State Bar of Michigan, submitted a card in support of the bill, but did not wish to speak.

Representative Kesto moved to report SB 714 with recommendation. The motion prevailed 10-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

The Chair laid SB 49, SB 834, and SB 881 before the committee:

SB 49 (Casperson) Weapons; licensing; certain firearm licensing information; exempt from freedom of information act.

SB 834 (Pavlov) Weapons; licensing; firearm records; clarify exemption under the freedom of information act.

SB 881 (Hansen) Weapons; licensing; firearms records; clarify what records are exempt under the freedom of information act.

Jeff Wiggins, representing Senator Casperson's office, testified in support of the bills. Questions and discussion followed.

Pat Clawson, representing Michigan Process Servers Alliance, testified in opposition to the bills. Questions and discussion followed.

Ben Bodkin, representing the Michigan Sheriffs Association, submitted a card with a neutral position on SB 49, but did not wish to speak.

Representative LaFontaine moved to adopt substitute (H-1) to SB 49. The motion prevailed 7-0-3.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: Reps. Lipton, Irwin, Clemente.

Representative Kesto moved to report SB 49 as substitute (H-1) with recommendation. The motion prevailed 7-3-0.

FAVORABLE ROLL CALL

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

Nays: Reps. Lipton, Irwin, Clemente.

Pass: None.

Representative Kesto moved to report SB 881 with recommendation. The motion prevailed 7-1-2.

FAVORABLE ROLL CALL

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

Nays: Rep. Lipton.

Pass: Reps. Irwin, Clemente.

Representative Kesto moved to report SB 834 with recommendation. The motion prevailed 7-2-1.

FAVORABLE ROLL CALL

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

Nays: Rep. Lipton, Irwin.

Pass: Rep. Clemente.

The Chair laid HB 5383 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 5385 (Lauwers) Crimes; intoxication or impairment; preliminary chemical testing for certain controlled substances; authorize, and provide for procedures and penalties for refusal.

Representative Lauwers, Sgt. Dwayne Gill, representing the State Police, Ken Stecker, representing the Prosecuting Attorney's Association, and David Ferguson, St. Clair County Sheriffs, all testified

in support of the bills. Questions and discussion followed.

Representative Heise moved to adopt substitute (H-2) to HB 5383. The motion prevailed 10-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Heise moved to adopt substitute (H-2) to HB 5385. The motion prevailed 9-0-1.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: Rep. Howrylak.

Representative Kesto offered the following amendment:

1. Amend page 8, following line 26, by inserting:

“(E) A PRELIMINARY ROADSIDE ANALYSIS SHALL NOT INCLUDE AN IMMUNOCHEMICAL ASSAY USING SALIVA UNTIL SUCH TIME AS THE LEGISLATURE APPROVES AND DEPARTMENT OF STATE POLICE COMPLETES A PILOT PROJECT UNDER THIS SUBDIVISION. THE PILOT PROJECT DEVELOPED UNDER THIS SUBDIVISION SHALL BE CONDUCTED FOR A PERIOD OF NOT LESS THAN 3 YEARS AND SHALL NOT INCLUDE MORE THAN 5 COUNTIES. AT THE CONCLUSION OF THE PILOT PROJECT IMPLEMENTED UNDER THIS SUBDIVISION, THE DEPARTMENT OF STATE POLICE SHALL PREPARE A REPORT ON THE PILOT PROJECT AND SUBMIT IT TO THE HOUSE AND SENATE STANDING COMMITTEES ON THE JUDICIARY NOT LESS THAN 90 DAYS BEFORE PERMITTING THE USE OF AN IMMUNOCHEMICAL ASSAY SALIVA TESTING STATEWIDE DURING A PRELIMINARY ROADSIDE ANALYSIS.”.

Representative Kesto moved to adopt the amendment to HB 5385 (H-2). The motion prevailed 10-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Irwin offered the following amendment:

1. Amend page 5, line 4, after “preliminary” by striking out “**ROADSIDE ANALYSIS**” and inserting “breath test”.

Representative Irwin discussed his amendment, then withdraw the amendment.

Rick Thompson, representing the Michigan Chapter of the Americans for Safe Access, testified in opposition to HB 5385.

Mike Nichols, representing the Criminal Defense Attorneys of Michigan, submitted a card in opposition to the bills, but due to time constraints, was unable to speak:

Roger Maufort, representing the Jackson County Compassion Club, submitted a card in opposition to HB 5385, but due to time constraints, was unable to speak.

Eric Gunnels, representing the himself, submitted a card in opposition to HB 5385, but due to time constraints, was unable to speak.

Mike Penty, representing the Prosecuting Attorneys Association, submitted a card in support of the bills, but did not wish to speak.

The Chair laid HB 5404, HB 5405, HB 5406 and HB 5407 before the committee:

HB 5404 (Crawford)	Health; emergency services; protocols that require emergency response vehicles to carry opioid antagonists and require emergency services personnel to be trained; require medical control authority to develop.
HB 5405 (Forlini)	Crimes; controlled substances; immunity from criminal prosecution or administrative sanction for prescribing, dispensing, possessing, or administering opioid antagonist; provide for.
HB 5406 (Forlini)	Torts; liability; administration of a drug in response to a drug overdose; provide protection from civil liability.
HB 5407 (Forlini)	Health; pharmaceuticals; opioid antagonist including naloxone hydrochloride; allow prescribers to prescribe and pharmacists to dispense under certain circumstances to friends or family of individuals who may suffer overdose, and require department to publish a report.

Representative Forlini and Judge Linda Davis, representing Families Against Narcotics, testified in support of the bills. Questions and discussion followed.

Representative LaFontaine offered the following amendments to HB 5404:

1. Amend page 3, line 20, after "(K)" by striking out "**WITHIN**" and inserting "**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, WITHIN**".
2. Amend page 3, line 26, after "ANTAGONISTS." by inserting "**BEGINNING 3 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION, A MEDICAL CONTROL AUTHORITY, AT ITS DISCRETION, MAY RESCIND OR CONTINUE THE PROTOCOL ADOPTED UNDER THIS SUBDIVISION.**".

Representative LaFontaine moved to adopt the amendments to HB 5404. The motion prevailed 9-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Heise offering the following amendment to HB 5406:

1. Amend page 1, line 6, after "**APPLY**" by striking out "**IF**" and inserting "**IN ANY OF THE FOLLOWING CIRCUMSTANCES:**

(A) IF THE INDIVIDUAL WHO ADMINISTERS THE OPIOID ANTAGONIST IS A PHYSICIAN, PHYSICIAN'S ASSISTANT, REGISTERED NURSE, OR LICENSED PRACTICAL NURSE AND THE OPIOID ANTAGONIST IS ADMINISTERED IN A HOSPITAL OR OTHER LICENSED MEDICAL CARE FACILITY.

(B) IF".

Representative Heise moved to adopt the amendment to HB 5406. The motion prevailed 9-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Clemente offering the following amendment to HB 5406:

1. Amend page 2, line 3, after "**MEANS**" by striking out the balance of the subdivision and inserting "**NALOXONE HYDROCHLORIDE OR ANY OTHER SIMILARLY ACTING AND EQUALLY SAFE DRUG APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF DRUG OVERDOSE.**".

Representative Clemente moved to adopt the amendment to HB 5406. The motion prevailed 9-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Irwin offering the following amendment to HB 5407:

1. Amend page 1, line 1, after "**MEANS**" by striking out the balance of the subsection and inserting "**NALOXONE HYDROCHLORIDE OR ANY OTHER SIMILARLY ACTING AND EQUALLY SAFE DRUG APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF DRUG OVERDOSE.**".

Representative Irwin moved to adopt the amendment to HB 5407. The motion prevailed 9-0-0.

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative LaVoy testified in support of the bills.

Dr. William Marrone, representing the Medical Examiners, testified in support of the bills. Questions and discussion followed.

Aaron and Wes Emerson, representing themselves, testified in support of the bills.

Nancy King, representing herself, testified in support of the bills.

Susan Gregory, representing Families Against Narcotics, testified in support of the bills.

Dr. Sandy Dettman, representing the Grand Rapids Red Project, testified in support of the bills.

Terry Godde, representing the Michigan Department of Community Health, submitted a card with no position on the bills, but was available for questions.

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

Kathleen Gross, representing the Michigan Psychiatric Society and Michigan State Medical Society.

Megan Noland, representing the Oakland County Sheriff.

Jack Schick, representing the Michigan Pharmacists Association.

Barb Farrah, representing the Deputy Sheriffs Association of Michigan.

Andrew Schepers, representing the Michigan State Medical Society.

Mike Pandy, representing the Prosecuting Attorneys Association of Michigan.

Diane Bollman, representing the Michigan College of Emergency Physicians.

Bill Flory, representing the Michigan Association for Justice, submitted a card willing to speak, but due to time constraints, was able to.

Bret Marr, representing the Michigan Association of Ambulance Services, submitted a card with a neutral position on the bills, but did not wish to speak.

There being no further business before the committee, the Chair adjourned the meeting at 10:35 a.m.

Representative Kevin Cotter, Chair _____

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