



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

MINUTES OF THE COMMITTEE
ON
JUDICIARY

Tuesday, November 29, 2016 12:00 p.m. Room 521 House Office Building

The House Standing Committee on Judiciary was called to order by Chairman Kesto.

The Clerk read a letter from House Speaker Kevin Cotter which appointed Representative Pat Somerville to the House Judiciary Committee.

Members present: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Members absent/excused: None.

Representative Johnson moved to adopt the minutes of September 20, 2016. There being no objection, the motion prevailed by unanimous consent.

Chairman Kesto laid the following bill before the committee:

SB 1021 (Stamas) Children; services; children's advocacy centers to have access to confidential records; allow under certain circumstances.

Meghann Keit from Senator Stamas' office; Tom Knapp, Executive Director of the Michigan Chapter of the National Children's Alliance; and Yvonne Cameron, Director of Intervention Services at Care House Children's Advocacy Center in Oakland County, testified in support of the bill and submitted written testimony. Questions and discussion followed.

Stacie Bladen, representing the Children's Services at the Michigan Department of Health and Human Services, submitted a card in support of the bill, but did not wish to speak.

Cami Pendell, representing the Michigan Judges Association, submitted a card in support of the bill, but did not wish to speak.

Representative Johnson moved to report out SB 1021 with recommendation. The motion prevailed, the vote being 10-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Runestad, Irwin, Chang, Guerra.

Nays: Rep. Robinson.

Pass: None.

Chairman Kesto laid the following bills before the committee:

- | | | |
|---------|---------|---|
| HB 5520 | (Kesto) | Family law; marriage and divorce; requirement that judgment of divorce contain provisions regarding wife's dower rights; eliminate. |
| SB 558 | (Jones) | Probate; other; dower rights; repeal. |
| SB 560 | (Jones) | Probate; wills and estates; reference to dower in estates and protected individuals code; revise to reflect abolition of dower. |
| SB 270 | (Jones) | Probate; guardians and conservators; probate court jurisdiction over guardianship and conservatorship proceedings; clarify. |

Substitute (H-2) to SB 558 was previously adopted on May 3, 2016.

The following people submitted a card, but did not wish to speak:

David Worthams, representing the Michigan Bankers Association, supports SB 270, SB 558 and SB 560.

Kari Bearman, representing the Michigan Credit Union League, supports SB 558, SB 560 and HB 5520.

Tabitha Zimny, representing the Real Property Law Section of the State Bar of Michigan, supports SB 558, SB 560 and HB 5520.

Tony Des Chenes, representing the Michigan Land Title Association, supports SB 558, SB 560 and HB 5520.

Amy Taylor, representing the Michigan Realtors, supports SB 558, SB 560 and HB 5520.

James Steward, representing the Probate and Estate Planning Section of the State Bar of Michigan, supports SB 270 with amendments and submitted written testimony.

Representative Lucido moved to report out HB 5520 with recommendation. The motion prevailed, the vote being 6-3-2.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad.

Nays: Reps. Howrylak, Irwin, Robinson.

Pass: Reps. Chang, Guerra.

Representative Lucido moved to report out SB 558 with recommendation as substitute (H-2). The motion prevailed, the vote being 6-3-2.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad.

Nays: Reps. Howrylak, Irwin, Robinson.

Pass: Reps. Chang, Guerra.

Representative Lucido moved to adopt the substitute (H-1) to SB 560. The motion prevailed, the vote being 7-2-2.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad, Irwin.

Nays: Reps. Howrylak, Robinson.

Pass: Reps. Chang, Guerra.

Representative Lucido moved to report out SB 560 with recommendation as substitute (H-1). The motion prevailed, the vote being 6-3-2.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad.

Nays: Reps. Howrylak, Irwin, Robinson.

Pass: Reps. Chang, Guerra.

Representative Lucido moved to report out SB 270 with recommendation. The motion prevailed, the vote being 7-4-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Runestad,

Nays: Reps. Irwin, Robinson, Chang, Guerra.

Pass: None.

Chairman Kesto laid the following bill before the committee:

HB 5791 (Kesto)	Traffic control; driver license; suspension of license for certain violations; prohibit additional period of suspension under certain circumstances.
-----------------	--

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

David Richmond, representing the Michigan Secretary of State, neutral with revenue issue addressed.

Bill Kelly, representing the Michigan District Court Judges Association, support.

Representative Lucido moved to adopt the substitute (H-1) to HB 5791. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: None.

Representative Lucido moved to report out HB 5791 with recommendation as substitute (H-1). The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: None.

Chairman Kesto laid the following bill before the committee:

SB 1045 (Jones) Courts; other; sunset on e-filing fee; extend.

Tom Clement, representing the State Court Administrative Office, and Sandra McCormick, from Senator Jones' office, testified in support of the bill. Questions and discussion followed.

Peter Cunningham, representing the State Bar of Michigan, submitted a card in support of the bill, but did not wish to speak.

Representative Lucido moved to report out SB 1045 with recommendation. The motion prevailed, the vote being 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: Rep. Howrylak.

Chairman Kesto laid the following bills before the committee:

SB 1090 (Emmons) Family law; other; definition of reasonable and prudent parenting standard; provide for.

SB 1091 (Emmons) Family law; other; procedures for permanency planning; modify, and require compliance with federal standards.

Stacie Bladen, representing the Children's Services at the Michigan Department of Health and Human Services, testified in support of the bills. Questions and discussion followed.

Representative Lucido moved to report out SB 1090 with recommendation. The motion

prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: None.

Representative Lucido moved to report out SB 1091 with recommendation. The motion prevailed, the vote being 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: None.

Chairman Kesto laid the following bill before the committee:

SB 141 (Young) Criminal procedure; sentencing guidelines; sentencing guidelines for selling marihuana in violation of registry identification card restrictions; update.

Sandra McCormick, from Senator Jones' office, testified in support of the bill. Questions and discussion followed.

Representative Lucido moved to report out SB 141 with recommendation. The motion prevailed, the vote being 7-2-2.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Howrylak, Cole, Runestad.

Nays: Reps. Irwin, Robinson.

Pass: Reps. Chang, Guerra.

Chairman Kesto laid the following bills before the committee:

HB 5479 (Cochran) Health; emergency response; procedure for complying with a do-not-resuscitate order; revise to reflect physician orders for scope of treatment forms.

HB 5480 (Callton) Human services; adult foster care; physician orders for scope of treatment form; establish procedure if adult foster care facility is unwilling to comply with the form.

HB 5481 (Cox) Probate; guardians and conservators; physician orders for scope of treatment form; authorize a guardian to sign.

HB 5482 (Tedder) Health; other; physician orders for scope of treatment forms; allow.

Ed Rivet, representing Right to Life of Michigan and Carolyn Stramecki, representing Honoring Healthcare Choices – Michigan, testified in support of the bills and submitted written testimony.

The following people submitted a card, but did not wish to speak:

Brett Marr, representing the Michigan College of Emergency Physicians, supports HB 5482.

Robert Anderson, supports HB 5482 and submitted written testimony.

Barry Cargill, representing Michigan Home Care & Hospice Association, supports HB 5479, HB 5480, HB 5481, and HB 5482.

Paige Fults, representing Michigan Health and Hospital Association, supports HB 5479, HB 5480, HB 5481, and HB 5482.

Chairman Kesto laid the committee at ease, the time being 1:00 p.m.

Chairman Kesto called the committee back to order, the time being 1:04 p.m.

Representative Lucido moved to report out HB 5479 with recommendation. The motion prevailed, the vote being 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: Rep. Howrylak.

Representative Lucido moved to report out HB 5480 with recommendation. The motion prevailed, the vote being 10-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: None.

Pass: Rep. Howrylak.

Representative Lucido moved to report out HB 5481 with recommendation. The motion prevailed, the vote being 10-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: Rep. Howrylak.

Pass: None.

Representative Lucido moved to report out HB 5482 with recommendation. The motion prevailed, the vote being 10-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Kesto, Lucido, Johnson, Somerville, Cole, Runestad, Irwin, Robinson, Chang, Guerra.

Nays: Rep. Howrylak.

Pass: None.

There being no further business before the committee, Chairman Kesto adjourned the meeting, the time being 1:07 p.m.

Representative Klint Kesto, Chair _____

Melissa Weipert, Committee Clerk
House Judiciary Committee
mweipert@house.mi.gov
(517) 373-5176