



HOUSE OF REPRESENTATIVES

COMMITTEE ON JUDICIARY

REP. GRAHAM FILLER

CHAIR

COMMITTEE MEETING MINUTES

Wednesday, December 2, 2020

8:15 AM

Room 519, House Office Building

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

The Chair requested attendance be called:

Present: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder.

Absent: Reps. Yancey, Bolden.

Excused: None.

Representative LaFave moved to adopt the meeting minutes from December 1, 2020. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 6448 and HB 6467 before the committee:

HB 6448 (Rep. Calley)

A bill to amend 2020 PA 238, entitled "An act to prohibit an employer from taking certain actions against an employee who does not report to work under certain circumstances related to COVID-19; to prohibit an employee from reporting to work under certain circumstances related to COVID-19; to prohibit discrimination and retaliation for engaging in certain activities; and to provide remedies," by amending sections 1 and 5 (MCL 419.401 and 419.405).

HB 6467 (Rep. Hall)

A bill to amend 2020 PA 238, entitled "An act to prohibit an employer from taking certain actions against an employee who does not report to work under certain circumstances related to COVID-19; to prohibit an employee from reporting to work under certain circumstances related to COVID-19; to prohibit discrimination and retaliation for

engaging in certain activities; and to provide remedies," by amending sections 1 and 5 (MCL 419.401 and 419.405).

Representatives Calley and Meerman testified in support of HB 6448 and HB 6467. Questions and discussion followed.

Bud Dunn, representing Atlas Sales, testified in support of HB 6467.

Heather Rivard, representing DTE Energy, testified in support of HB 6467.

Herasanna Richards, representing the Michigan Municipal League; Kip Walby, representing St. Clair Shores; and Eric Tungate, representing the City of Oak Park, testified in support of HB 6467.

Sheila Burkhardt and Kelly Karrigan, representing the Michigan Milk Producers Association, testified in support of HB 6467. Questions and discussion followed.

Lance Binoniemi, representing the Michigan Infrastructure Transportation Association, testified in support of HB 6467.

The following person submitted a card with a neutral position on HB 6448 and HB 6467, but did not wish to speak:

David Worthams, representing the Michigan Manufacturers Association.

The following people submitted a card in support of HB 6448 and HB 6467, but did not wish to speak:

Wendy Block, representing the Michigan Chamber of Commerce.

Katie Abraham, representing the Michigan Municipal Electric Association.

Adam Smith, representing the City of Grand Ledge City.

Ryan Wardin, representing the Lansing Board of Water and Light.

Robert O'Meara, representing ITC Holding Corp.

Chris Iannuzzi, representing Consumers Energy.

John Dulmes, representing the Michigan Chemistry Council.

Miscellaneous Food Associations.

The following people submitted a card in support of HB 6467, but did not wish to speak:

David Worthams, representing the Michigan Manufacturers Association.

Katie Abraham, representing the Michigan Municipal Electric Association.

Wendy Block, representing the Michigan Chamber of Commerce.

Spencer Nevins, representing the Michigan Beer and Wine Wholesalers Association.

Monica Ackerson, representing the Michigan Road Preservation Association.

Ron Brenke, representing the American Council of Engineering Companies.

Kate DeVries, representing Leprino Foods.

Bud Dunn, representing Atlas Sales.

The following person submitted a card in opposition to HB 6467, but did not wish to speak:

Todd Tennis, representing the United Food and Commercial Workers Union.

Representative Howell moved to report out HB 6448 with recommendation. The motion

prevailed 10-0-1:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra.

Nays: None.

Pass: Rep. Elder.

Representative LaFave moved to report out HB 6467 with recommendation. The motion prevailed 9-2-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand.

Nays: Reps. Guerra, Elder.

Pass: None.

The Chair laid SB 1090 and SB 1091 before the committee:

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| SB 1090 (Sen. Bizon) | A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 5d (MCL 552.605d), as amended by 2014 PA 380. |
| SB 1091 (Sen. Bizon) | A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 17 (MCL 552.517), as amended by 2019 PA 27, and by adding section 17f. |

Senator Bizon and Dave Biswas testified in support of SB 1090 and SB 1091. Questions and discussion followed.

The following people submitted a card in support of SB 1090, but did not wish to speak:

- Lois Pullano, representing Citizens for Prison Reform.
- Karla Ruest, representing the Michigan County Social Services Association.
- Kimberly Buddin, representing the ACLU of Michigan.
- Algeria Wilson, representing the National Association of Social Workers, Michigan Chapter.
- John Cooper, representing Safe and Just Michigan..
- Erin Frisch, representing the Michigan Office of Child Support.
- Chardae Burton, representing the Michigan Department of Health and Human Services.

The following people submitted a card in support of SB 1091, but did not wish to speak:

- Erin Frisch, representing the Michigan Office of Child Support.
- Lois Pullano, representing Citizens for Prison Reform.
- Karla Ruest, representing the Michigan County Social Services Association.
- Kimberly Buddin, representing the ACLU of Michigan.
- Algeria Wilson, representing the National Association of Social Workers, Michigan Chapter.
- John Cooper, representing Safe and Just Michigan.

Chardae Burton, representing the Michigan Department of Health and Human Services.

The Chair laid SB 195 before the committee:

SB 195 (Sen. Chang)	A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 14a.
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Senator Chang and Lois Pullano, representing Citizens for Prison Reform, testified in support of SB 195.

The following people submitted a card in support of SB 195, but did not wish to speak:

John Cooper, representing Safe and Just Michigan.

Algeria Wilson, representing the National Association of Social Workers, Michigan Chapter.

Kimberly Buddin, representing the ACLU of Michigan.

Dan Jarvis, representing Michigan Family Forum.

Trunella Williams, representing the Family Advisory Board.

Pete Letkemann, representing Citizens for Prison Reform.

The Chair laid HB 5029 and HB 6453 before the committee:

HB 5029 (Rep. Yancey)	A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 1 (MCL 780.621), as amended by 2016 PA 336.
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HB 6453 (Rep. LaFave)	A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 1c (MCL 780.621c), as added by 2020 PA 187.
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Rep. LaFave testified in support of HB 5029 and HB 6453. Questions and discussion followed.

Mike Nichols, representing Criminal Defense Attorneys of Michigan, testified in support of HB 5029 and HB 6453. Questions and discussion followed.

The following people submitted a card in support of HB 5029, but did not wish to speak:

Lois Pullano, representing Citizens for Prison Reform.

John Cooper, representing Safe and Just Michigan.

Kimberly Buddin, representing the ACLU of Michigan.
Mike Nichols, representing Criminal Defense Attorneys of Michigan.

The following people submitted a card in opposition to HB 5029, but did not wish to speak:

Dan Pfanners, representing the Michigan Sheriffs Association.
Brandon Lanyon, representing the Prosecuting Attorneys Association of Michigan.

The following people submitted a card in support of HB 6453, but did not wish to speak:

Mike Nichols, representing Criminal Defense Attorneys of Michigan.
John Cooper, representing Safe and Just Michigan.
Lois Pullano, representing Citizens for Prison Reform.
Matt Patton, representing the Detroit Regional Chamber.
Kimberly Buddin, representing the ACLU of Michigan.
Kevin Stotts, representing Talent2025.
Mark Peters, representing Butterball Farms.
Veronica Horn, representing the Saginaw County Chamber of Commerce.
Luke Kujacznski, representing Momentum.
Fred Keller, representing Cascade Engineering.
Jon Meyer, representing Abcor Industries.
Dr. Gregory Lawton, representing the Blue Heron Academy.

The following people submitted a card in opposition to HB 6453, but did not wish to speak:

Brandon Lanyon, representing the Prosecuting Attorneys Association of Michigan.
Frank Harris and Helen Witty, representing Mothers Against Drunk Driving.
Judge Harvey Hoffman, representing the Michigan Association of Treatment Court Professionals.
Dan Pfanners, representing the Michigan Sheriffs Association.

At 9:31 AM, the Chair laid the committee at ease.

At 9:36 AM, the Chair called the committee back to order.

Representative LaFave moved to adopt substitute (H-3) to HB 5029. The motion prevailed 11-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder.
Nays: None.
Pass: None.

Representative LaFave moved to report out HB 5029 with recommendation, as substitute (H-3). The motion prevailed 10-0-1:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra.
Nays: None.
Pass: Rep. Elder.

Representative LaFave moved to adopt substitute (H-2) to HB 6453. The motion prevailed 11-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder.

Nays: None.

Pass: None.

Representative LaFave offered the following amendment to HB 6453 (H-2):

1. Amend page 2, line 27, after "offense." by inserting "However, a conviction for a first violation operating while intoxicated offense that may be set aside upon application is not eligible for and shall not be set aside without application under section 1g.".

Representative LaFave moved to adopt the amendment to HB 6453 (H-2). The motion prevailed 11-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder.

Nays: None.

Pass: None.

Representative LaFave moved to report HB 6453 as amended, as substitute (H-3). The motion prevailed 10-0-1:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra.

Nays: None.

Pass: Rep. Elder.

At 9:40 AM, the Chair laid the committee at ease.

At 9:52 AM, the Chair called the committee back to order.

The Chair returned to SB 1090 and SB 1091.

Representative LaGrand moved to report out SB 1090 with recommendation. The motion prevailed 11-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder.

Nays: None.

Pass: None.

Representative LaFave moved to report out SB 1091 with recommendation. The motion prevailed 11-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder.

Nays: None.

Pass: None.

There being no further business before the committee, Rep. Graham Filler adjourned the meeting at 9:54 AM.

Representative Graham Filler, Chair

Melissa Sweet
Committee Clerk
msweet@house.mi.gov