



## HOUSE OF REPRESENTATIVES

### COMMITTEE ON JUDICIARY

REP. GRAHAM FILLER

CHAIR

## COMMITTEE MEETING MINUTES

Tuesday, March 3, 2020

9:00 AM

Room 519, House Office Building

The House Standing 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, Bolden.

Absent: Rep. Yancey.

Representative LaFave moved to adopt the meeting minutes from February 25, 2020. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 5479 before the committee:

HB 5479

(Rep. Glenn) A bill to amend 1990 PA 319, entitled "An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols, other firearms, or pneumatic guns, ammunition for pistols or other firearms, or components of pistols or other firearms," by amending section 2 (MCL 123.1102), as amended by 2015 PA 29.

Representative Glenn testified in support of HB 5479. Questions and discussion followed.

The following people submitted a card in support of HB 5479, but did not wish to speak:

Scott Jones, representing the National Rifle Association.

The following people submitted a card in opposition to HB 5479, but did not wish to speak:

Mike Sauger, representing the Michigan Fraternal Order of Police.

Ken Cole, representing the City of Detroit.

City Manager James Freed and Chief Joseph Platzer, representing the City of Port Huron.

Carol Stone, representing the City of Midland.

Herasanna Richards, representing the Michigan Municipal League.

Frank Foster, representing the Everytown for Gun Safety.

Frank Foster, representing the Michigan Association of Counties.

Representative LaGrand offered the following amendment to HB 5479:

1. Amend page 2, following line 12, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 4283 of the 100th Legislature is enacted into law.".

Representative LaGrand moved to adopt the amendment to HB 5479. The motion did not prevail 4-8-0:

#### UNFAVORABLE ROLL CALL

Yeas: Reps. LaGrand, Guerra, Elder, Bolden.

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

Pass: None.

Representative LaFave moved to report out HB 5479 with recommendation. The motion prevailed 8-4-0:

#### FAVORABLE ROLL CALL

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

Nays: Reps. LaGrand, Guerra, Elder, Bolden.

Pass: None.

The Chair laid HB 5286 before the committee:

HB 5286

(Rep. Johnson) A bill to prohibit political subdivisions in this state from imposing certain restrictions on the transportation, possession, carrying, sale, transfer, purchase, gift, devise, licensing, registration, manufacturing, or use of knives or components of knives.

Representative S. Johnson testified in support of HB 5286. Questions and discussion followed.

Todd Rathner, representing Knife Rights, testified in support of HB 5286. Questions and

discussion followed.

The following people submitted a card in support of HB 5286, but did not wish to speak:  
Merissa Kovach, representing the ACLU of Michigan.

The following people submitted a card in opposition to HB 5286, but did not wish to speak:

Frank Foster, representing the Michigan Association of Counties.  
Herasanna Richards, representing the Michigan Municipal League.

The Chair laid HR 151 before the committee:

HR 151 (Rep. Yaroch) A resolution to urge the Congress of the United States to clarify its position on the legality of marijuana under the Controlled Substances Act of 1970.

Representative Yaroch testified in support of HR 151.

Representative Wozniak moved to report out HR 151 with recommendation. The motion prevailed 10-1-1:

#### FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Rendon, Wozniak, LaGrand, Guerra, Elder, Bolden.

Nays: Rep. Steven Johnson.

Pass: Rep. Berman.

The Chair laid HB 4598 and HB 4599 before the committee:

HB 4598 (Rep. Reilly) A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2018 PA 528.

HB 4599 (Rep. Reilly) A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411a (MCL 750.411a), as amended by 2012 PA 330.

Representative Reilly testified in support of HB 4598 and HB 4599.

Sergeant Nicole McGhee, representing Michigan State Police, testified with no position on HB 4598 and HB 4599. Questions and discussion followed.

The following people submitted a card in support of HB 4598 and HB 4599, but did not wish to speak:

Brandon Lanyon, representing the Prosecuting Attorneys Association of Michigan.

The following people submitted a card in opposition to HB 4598 and HB 4599, but did not wish to speak:

Noah Smith, representing the Criminal Defense Attorneys of Michigan.  
John Cooper, representing the Safe and Just Michigan.

The following people submitted a card in support of HB 4599, but did not wish to speak:

Tom Frazier, representing the Michigan Townships Association.

The Chair laid HB 4910 and HB 4911 before the committee:

HB 4910	(Rep. Hall)	A bill to regulate the prescription of emotional support animals by health care providers and requests for reasonable accommodation for emotional support animals in housing; to provide for the powers and duties of certain state and local governmental officers and entities; and to prescribe penalties.
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HB 4911	(Rep. Cambensy)	A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5714 and 5775 (MCL 600.5714 and 600.5775), section 5714 as amended by 2014 PA 223 and section 5775 as added by 1988 PA 336.
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Representative Hall testified in support of HB 4910 and HB 4911. Questions and discussion followed.

The following people submitted a card in support of HB 4910 and HB 4911, but did not wish to speak:

Darlene Kauffman, representing KMG Prestige.  
Duy Vu, representing Land and Company.  
Amber Williams, representing the Monarch Investment Group.  
Suzanna Bellon, representing Central Park Apartments.  
Cheryl Zagorski, representing KMG Prestige.  
Heather Collin, representing the Property Management Association of Mid Michigan.  
Karlene Lehman, representing Princeton Enterprises.  
Megan Orser, representing Smart Apartment Solutions.  
Alice Ehn, representing the Washtenaw Area Apartment Association.  
Pamela Lovell, representing AMP Residential.  
Jim Kirsch, representing the Property Management Association of Michigan.

Forrest Wall, representing the Apartment Association of Michigan.  
Clay Powell, representing the Rental Property Owners Association of Michigan.

The following people submitted a card in opposition to HB 4910 and HB 4911, but did not wish to speak:

Kelly Bidelman, representing the Center for Civil Justice.  
Kevin McKinney, representing the Michigan Osteopathic Association.  
Jim Schaafsma, representing the Michigan Poverty Law Program.  
Bob Kosowski, representing the Michigan Psychiatric Society.  
Sherri Boyd, representing The Arc Michigan.

The following people submitted a card in opposition to HB 4910, but did not wish to speak:

Matt Black, representing the Michigan Academy of Family Physicians.  
Stacey Hettiger, representing the Michigan State Medical Society.

Representative Berman moved to adopt substitute (H-3) to HB 4910. The motion prevailed 12-0-0:

**FAVORABLE ROLL CALL**

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

Representative Steven Johnson moved to report out HB 4910 with recommendation, as substitute (H-3). The motion prevailed 9-2-1:

**FAVORABLE ROLL CALL**

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

Representative Howell moved to report out HB 4911 with recommendation. The motion prevailed 10-0-2:

**FAVORABLE ROLL CALL**

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

The Chair laid HB 4454 before the committee:

HB 4454 (Rep. Johnson) A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8905a (MCL 324.8905a), as amended by 2014 PA 549.

The following people submitted a card in support of HB 4454, but did not wish to speak:

Sarah Howes, representing the Michigan Department of Environment, Great Lakes and Energy.

Thomas Gilpin, representing the Michigan Sierra Club.

Representative Berman moved to adopt substitute (H-3) to HB 4454. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative Howell moved to report out HB 4454 with recommendation, as substitute (H-3). The motion prevailed 11-1-0:

FAVORABLE ROLL CALL

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

Nays: Rep. LaFave.

Pass: None.

The Chair laid HB 4332 before the committee:

HB 4332 (Rep. LaFave) A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40102, 40103, and 40114 (MCL 324.40102, 324.40103, and 324.40114), section 40102 as amended by 2015 PA 24, section 40103 as amended by 2016 PA 382, and section 40114 as amended by 2018 PA 390, and by adding section 40111d.

Representative LaFave moved to adopt substitute (H-1) to HB 4332. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

Representative LaFave moved to report out HB 4332 with recommendation, as substitute (H-1).  
The motion prevailed 12-0-0:

#### FAVORABLE ROLL CALL

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

Nays: None.

Pass: None.

At 9:58 AM, the Chair laid the committee at ease.

At 9:59 AM, the Chair called the committee back to order.

The Chair laid HB 4587 before the committee:

HB 4587 (Rep. Sheppard) A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5741 and 5750 (MCL 600.5741 and 600.5750).

The following people submitted a card in support of HB 4587, but did not wish to speak:

Forrest Wall, representing the Apartment Association of Michigan.

Clay Powell, representing the Rental Property Owners Association of Michigan.

Jim Kirsch, representing the Property Management Association of Michigan.

Pamela Lovell, representing AMP Residential.

Alice Ehn, representing the Washtenaw Area Apartment Association.

Megan Orser, representing Smart Apartment Solutions.

Karlene Lehman, representing Princeton Enterprises.

Heather Collin, representing the Property Management Association of Mid Michigan.

Cheryl Zagorski, representing KMG Prestige.

Suzanna Bellon, representing Central Park Apartments.

Darlene Kauffman, representing KMG Prestige.

Duy Vu, representing Land and Company.

Amber Williams, representing Monarch Investment Group.

The following people submitted a card in opposition to HB 4587, but did not wish to speak:

Jim Schaafsma, representing the Michigan Poverty Law Program.

Kelly Bidelman and Greg Abler, representing the Center for Civil Justice.

Representative Guerra offered the following amendments to HB 4587:

1. Amend page 2, line 15, after "(b)" by striking out the balance of the line through "than" on line 16 and inserting "If the lease expressly provides for a fee for late payment of rent, add a fee as specified in the lease. However, the amount added may not exceed".

2. Amend page 3, line 15, after "possession." by striking out the balance of the line through "than" on line 17 and inserting "If the lease expressly provides for a fee for late payment of rent, the damages may include a fee as specified in the lease. However, the amount included may not exceed".

Representative Guerra moved to adopt the amendments to HB 4587. The motion prevailed 12-0-0:

**FAVORABLE ROLL CALL**

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

Nays: None.

Pass: None.

Representative Steven Johnson moved to report out HB 4587 with recommendation, as amended, as substitute (H-1). The motion prevailed 12-0-0:

**FAVORABLE ROLL CALL**

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

Nays: None.

Pass: None.

There being no further business before the committee, Rep. Graham Filler adjourned the meeting at 10:04 AM.

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Representative Graham Filler, Chair

Melissa Sweet  
Committee Clerk  
msweet@house.mi.gov