

## Report on Public Policy Position

**Name of committee:**

Civil Procedure and Courts Committee

**Contact person:**

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**Bill Number:**

[HB 5060](#) (Condino) Civil procedure; evidence; provisions in the RJA regarding affidavit of person residing in another state or country; eliminate. Repeals sec. 2102 of [1961 PA 236](#) (MCL [600.2102](#)).

**Date position was adopted:**

October 20, 2007

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting.

**Number of members in the decision-making body:**

20

**Number who voted in favor and opposed to the position:**

15 Voted for position

5 Did not vote

**Position:**

Support

**Explanation of the position, including any recommended amendments:**

Repeal of the statute may not be necessary in light of the Supreme Court's May 1, 2007 decision in *Apsey v Memorial Hospital*, but repeal will avoid potential confusion.

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.**

<http://legislature.mi.gov/doc.aspx?2007-HB-5060>

**FOR LEGISLATIVE ISSUES ONLY:**

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

**Keller-permissible explanation:**

Changing the rules regarding the admissibility of evidence in court proceedings will affect the functioning of the trial courts.