



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

MINUTES OF THE COMMITTEE
ON
COMMUNICATIONS AND TECHNOLOGY

Tuesday, December 15, 2015 12:00 p.m. Room 519 House Office Building

The House Committee on Communications and Technology was called to order by the Chairman, Representative Brad Jacobsen.

Members present: Representatives Jacobsen, Iden, Franz, Glardon, Outman, Price, Barrett, Leutheuser, Tedder, Phelps, Driskell, Chirkun, Greig, and Guerra.
Members absent/excused: None.

Representative Outman moved to approve the minutes of the December 1, 2015 meeting.

There being no objection, the motion prevailed by unanimous consent.

The Chair laid before the committee HB 5016:

HB 5016 (Leutheuser) Public utilities; electric utilities; expenses incurred by utility in relocating facilities; require a city, village, township, county, or the state transportation department to reimburse.

Representative Leutheuser testified on HB 5016.

The following people submitted testimony cards in support of HB 5016, but did not wish to speak:

Matt Groen, representing the Michigan Cable Telecommunications Association.
Jim Kirsch, representing AT&T.
Jennifer Greenberg, representing the Telecommunications Association of Michigan.

The following people submitted testimony cards in opposition to HB 5016, but did not wish to speak:

Paul Childs, representing the M-1 Rail.
Mike Waters, representing PROTEC, the Great Lakes Water Authority, and the Detroit Water and Sewage Department.

Phil Browne, representing the Michigan Department of Transportation, submitted a testimony card with a neutral position on HB 5016.

Representative Leutheuser moved to adopt substitute (H-4) for HB 5016. The motion prevailed by a vote of 14-0-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Jacobsen, Iden, Franz, Glardon, Outman, Price, Barrett, Leutheuser, Tedder, Phelps, Driskell, Chirkun, Greig, and Guerra,

Nays: None,

Pass: None.

Representative Price offered the following amendments to HB 5016, as substituted (H-4):

1. Amend page 4, line 27, after “GOD” by inserting “OR EMERGENCY”.
2. Amend page 6, following line 3, by inserting:
“(C) “EMERGENCY” INCLUDES, BUT IS NOT LIMITED TO, FLOODING NOT CAUSED BY AN ACT OF GOD, A WATER MAIN BREAK, A SEWER LINE FAILURE, A NATURAL GAS LEAK, OR AN ACT OF TERRORISM.” and relettering the remaining subdivisions.

Representative Price moved to adopt the amendments for HB 5016, as substituted (H-4). The motion prevailed by a vote of 14-0-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Jacobsen, Iden, Franz, Glardon, Outman, Price, Barrett, Leutheuser, Tedder, Phelps, Driskell, Chirkun, Greig, and Guerra,

Nays: None,

Pass: None.

Representative Driskell offered the following amendments to HB 5016, as substituted (H-4):

1. Amend page 3, line 22, after “DEPARTMENT.” by striking out “A” and inserting “EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A”.
2. Amend page 3, line 25, after “RELOCATION” by striking out “IS TO” and inserting “MAY”.
3. Amend, page 3, line 25, after “OCCUR.” by inserting “IF FEDERAL, STATE, LOCAL OR PRIVATE TRANSPORTATION FUNDS FOR CONSTRUCTION OR OTHER ACTIVITY BECOME AVAILABLE AND A CITY, VILLAGE, TOWNSHIP, OR COUNTY OR THE STATE TRANSPORTATION DEPARTMENT IS UNABLE TO PROVIDE WRITTEN NOTICE AT LEAST 1 YEAR BEFORE THE RELOCATION MAY OCCUR, THE CITY, VILLAGE, TOWNSHIP, OR COUNTY OR THE STATE TRANSPORTATION DEPARTMENT SHALL SEND WRITTEN NOTIFICATION WITHIN 30 DAYS OF APPROPRIATING THE FUNDS FOR A PROJECT THAT MAY REQUIRE RELOCATION OF AN ENTITY’S FACILITIES.”.

Representative Driskell moved to adopt the amendments for HB 5016, as substituted (H-4). The motion failed by a vote of 6-8-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Price, Phelps, Driskell, Chirkun, Greig, and Guerra,

Nays: Reps. Jacobsen, Iden, Franz, Glardon, Outman, Barrett, Leutheuser, and Tedder.

Pass: None.

Representative Driskell offered the following amendments to HB 5016, as substituted (H-4):

1. Amend page 3, line 11, after “SUBSECTION” by striking out “(6)” and inserting “(7)”.
2. Amend page 4, following line 24, by inserting:
“(6) IF AN ENTITY RELOCATES ITS FACILITIES AS DESCRIBED IN SUBSECTION (3), AN ENTITY SHALL REFUND ANY COMPENSATION THAT ENTITY RECEIVED UNDER SUBSECTIONS (3), (4), AND (5) IF THE CITY, VILLAGE, TOWNSHIP, OR COUNTY OR THE STATE TRANSPORTATION DEPARTMENT FINDS ANY OF THE FOLLOWING UPON INSPECTION:
(A) THAT THE FACILITY IS NOT LOCATED IN AN AREA ALLOWED BY THE PERMIT.
(B) THAT THE FACILITY RELOCATION WAS NOT COMPLETED ON TIME.
(C) THAT THE FACILITY IS NOT IN CONFORMITY WITH OTHER DESIGN, CONSTRUCTION, OR PERMIT REQUIREMENTS.” and renumbering the remaining subsections.

Representative Driskell moved to adopt the amendments for HB 5016, as substituted (H-4). The motion failed by a vote of 4-10-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Phelps, Driskell, Greig, and Guerra,

Nays: Reps. Jacobsen, Iden, Franz, Glardon, Outman, Price, Barrett, Leutheuser, Tedder, and Chirkun.

Pass: None.

Representative Leutheuser moved to report out HB 5016, as substitute (H-5). The motion prevailed by a vote of 11-1-2.

FAVORABLE ROLL CALL:

Yeas: Reps. Jacobsen, Iden, Franz, Glardon, Outman, Price, Barrett, Leutheuser, Tedder, Phelps, and Chirkun

Nays: Rep. Driskell.

Pass: Reps. Greig and Guerra.

There being no further business before the committee and seeing no objection, the Chair adjourned the meeting, the time being 12:20 p.m.

Representative Brad Jacobsen, Chair

Kevin Gawronski
Committee Clerk
December 15, 2015
20 minutes

Date Approved and Signed