



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

Minutes of the House Standing Committee
On
Oversight and Ethics

Thursday, May 14, 2015

10:30 a.m.

Room 326 House Office Building

The House Standing Committee on Oversight and Ethics was called to order by Representative Ed McBroom, Chair.

The Clerk called the roll; members present were **Representatives McBroom, Howrylak, Graves, Theis, Robinson, and Pagan. (6/6)**

The Clerk announced that a quorum was present.

The Chair laid before the committee the minutes of May 7, 2015 as printed.

Representative Theis moved to adopt the minutes of May 7, 2015 as printed.

There being no objection the motion prevailed by unanimous consent of the members present; the minutes were adopted as printed.

The Chair laid before the committee House Bills 4522 and 4523.

HB 4522 (McBroom) Legislature; committees; authority to subpoena records and files; expand to include access to local public bodies.

HB 4523 (McBroom) Legislature; committees; powers of legislative committees regarding issuance of subpoenas; modify.

Deena Bosworth, Director of Governmental Affairs for Michigan Association of Counties, testified in opposition to the bills. Questions followed.

The following individuals submitted testimony cards in opposition to the bills, but did not wish to speak:

Judy Allen, Director of Legislative Affairs for the Michigan Townships Association,
Nikole Brown, Legislative Associate, State Affairs, the Michigan Municipal League;
Shelly Stahl, Lobbyist for Karoub Associates representing Wayne County; and
Ben Bodkin, Lobbyist for Capitol Services representing the Michigan Sheriffs
Association.

The Chair laid before the committee House Bill 4540.

HB 4540 (Heise) Civil rights; public records; public body records, documents, or information disclosable under freedom of information act; exempt critical energy infrastructure and cybersecurity-related information

The Chair offered the substitute (H-2) for House Bill 4540.

Representative Graves moved to adopt the substitute (H-2) for House Bill 4540.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives McBroom, Graves, Theis, and Pagan, (4/6)

Nays: Representative Robinson. (1/6)

The substitute was adopted.

The Chair offered, explained, and moved to adopt the following amendment to House Bill 4540 (H-2):

1. Amend page 2, line 6, after "WOULD" by striking out "NEGATIVELY AFFECT" and inserting "HAVE A DEBILITATING IMPACT ON".

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives McBroom, Graves, Theis, and Pagan, (4/6)

Nays: Representative Robinson. (1/6)

The amendment was adopted.

Representative Heise, the bill sponsor, explained the substitute for his bill, and introduced Inspector Matt Bolger, Assistant Division Commander in the Special Operations Division of the Michigan State Police and Brigadier General Michael A. Stone Assistant Adjutant General-Installations in the Michigan Department of Military and Veterans Affairs, who testified in support of the bill. Questions and discussion followed.

John Griffin, Executive Director of the American Petroleum Institute, testified in support of the bill. Questions followed.

James Clift, Policy Director at the Michigan Environmental Council, testified in opposition to the bill. Questions and discussion followed. Written testimony attached.

Brother Thomas R. Zerafa, Michigan Coalition for Human Rights Board Member, testified in opposition to the bill.

Robert Gordon testified in opposition to the legislation.

The following individuals submitted testimony cards, but did not wish to speak:

Deb Muchmore, Lobbyist for Kandler, Reed, Khoury and Muchmore representing American Transmission Company, supporting;

Susan K Smith, President of the League of Women Voters of Michigan*, opposing;

Renze Hoeksema, Director of State Government Affairs for DTE Energy, supporting;

James A. Ault, President of the Michigan Electric and Gas Association, supporting;

Mike Berkowitz, Legislative and Political Director of the Sierra Club of Michigan*, opposing;

Dondre D. Young, Policy Assistant for the Michigan League of Conservation Voters*, opposing;

Randy Gross, Manager of State Government Affairs at International Transmission Company, supporting;

Cathy Wilson, Executive Director of State Governmental Affairs at Consumers Energy, supporting;

Mike Shriberg, PH.D, Regional Executive Director of the Great Lakes Regional Center for the National Wildlife Federation*, opposing;

Lisa McGraw, Public Affairs Manager for the Michigan Press Association, opposing;

Chrissy Beckwith, Director of Government Affairs for SEMCO Energy, supporting; and

Mike Byrne, Legislative Liaison for the Michigan Public Service Commission, supporting.

* following the individuals name indicates they submitted written testimony, which is attached.

The following individuals e-mailed written testimony, which is attached:

Jane Briggs-Bunting, President of the Michigan Coalition for Open Government, opposing;

Carol Ward, opposing;

Pamela Clearwood, opposing;

Ron and Marjorie Kardos, opposing; and

Michael & Joanne Cromley, opposing.

Representative Graves offered, explained, and moved to adopt the following amendment to House Bill 4540 (H-6):

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

“ (iv) **IS NOT A DOCUMENT CREATED BY A GOVERNMENT BODY RELATING TO A UTILITY’S COMPLIANCE WIT SAFETY REQUIREMENTS IN THE OPERATION OF A CRUDE OIL, PETROLEUM, ELECTRIC, OR NATURAL GAS FACILITY.**”.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives McBroom, Howrylak, Graves, Theis, and Pagan, (5/6)

Nays: Representative Robinson. (1/6)

The amendment was adopted.

Representative Pagan offered, explained, and moved to adopt the following amendment to House Bill 4540 (H-6):

1. Amend page 16, following line 15, by inserting:

"Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 98th Legislature are enacted into law:

- (a) House Bill No. 4511.
- (b) House Bill No. 4512.
- (c) House Bill No. 4513.
- (d) House Bill No. 4514."

The motion did not prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives Howrylak, Robinson, and Pagan, (3/6)

Nays: Representative McBroom, Graves, and Theis. (3/6)

The amendment was not adopted

The Chair returned to the consideration of HB 4522 and HB 4523.

The Chair offered and moved to adopt the substitute (H-2) for House Bill 4522.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives McBroom, Howrylak, Graves, Theis, Robinson, and Pagan, (6/6)

Nays: None. (0/6)

The substitute was adopted.

Representative Theis moved to report House Bill 4522 with the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives McBroom, Howrylak, Graves, Theis, and Robinson, (5/6)

Nays: Representative Pagan. (1/6)

The bill and substitute were referred to the full House.

The committee adopted the substitute (H-2) for House Bill 4523 on Thursday, May 7, 2015.

The Chair offered, explained and moved to adopt the following amendment to House Bill 4523 (H-2):

Amend page 3, line 4, after "15.269" by inserting "IN A CLOSED SESSION, ONLY MEMBERS AND CLERKS OF THE COMMITTEE, LEGAL COUNSEL FOR THE MINORITY AND MAJORITY PARTIES, AND PERSONS NECESSARY FOR THE

PRODUCTION OF ANY RECORD OR FILE MAY BE PRESENT.”

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives McBroom, Howrylak, Graves, Theis, Robinson, and Pagan, (6/6)

Nays: None. (0/6)

The amendment was adopted.

Representative Theis moved to report House Bill 4523 with the recommendation that the substitute (H-3) be adopted and that the bill then pass.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Representatives McBroom, Howrylak, Graves, Theis, and Robinson, (5/6)

Nays: Representative Pagan. (1/6)

The bill and substitute were referred to the full House.

There being no other business before the committee; **Representative Graves moved to adjourn the meeting.**

The motion prevailed, the time being 11:55 a.m.

The Chair declared the Committee adjourned.

Ed McBroom, Chair
House Standing Committee on Oversight and Ethics

Joy Brewer, Committee Clerk

Date approved by the committee