

The Senate



SENATOR
PATRICIA L. BIRKHOLZ
Chair

**Committee on Natural Resources
and Environmental Affairs**

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Minutes of the Standing Committee
on
Natural Resources and Environmental Affairs

Wednesday, September 16, 2009

1:00 p.m.

Room 110, Farnum Building

The Senate Standing Committee on Natural Resources and Environmental Affairs was called to order by Senator Patricia Birkholz, Chair.

Bob Wilson, Senate Majority Policy Analyst, led the members of the committee in the recital of the *Pledge of Allegiance to the flag*.

The Clerk called the roll; **members present were Senators Birkholz, Van Woerkom, Patterson and Basham. (4/5)**
Member absent and excused was Senator Gleason. (1/5)

The Chair laid before the committee the minutes of September 9, 2009.

Senator Patterson moved to adopt the minutes of September 9, 2009 as printed.

Senator Van Woerkom supported the motion.

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

The Chair laid before the committee Senate Bill 755.

Senate Bill No. 775, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 67.

Senator Van Woerkom moved with the recommendation that Senate Bill 775 be referred to the Committee on Energy Policy and Public Utilities.

Senator Patterson support the motion.

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

Yeas: Senators Birkholz, Van Woerkom, Patterson and Basham, (4/5)

Nays: None. (0)

The bill was referred to the Committee on Energy Policy and Public Utilities.

The Chair laid before the committee Senate Bill 785.

Senate Bill No. 785, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 5202, 8807, 30105, 30301, 30305, 30306, 30306b, 30311, 30312, 30317, 32501, 32512, 32512a, and 32513 (MCL 324.5202, 324.8807, 324.30105, 324.30301, 324.30305, 324.30306, 324.30306b, 324.30311, 324.30312, 324.30317, 324.32501, 324.32512, 324.32512a, and 324.32513), section 5202 as added by 2002 PA 397, section 8807 as added by 1998 PA 287, section 30105 as amended by 2006 PA 531, sections 30301, 30305, 30306, 30312, 32501, and 32512 as amended and section 32512a as added by 2003 PA 14, section 30306b as added by 2006 PA 435, section 30311 as added by 1995 PA 59, section 30317 as amended by 1998 PA 228, and section 32513 as amended by 2008 PA 276, and by adding sections 30303b, 30303d, 30304b, 30305b, 30311b, 30311d, 30312b, 30312d, 30325, 30327, and 30329; and to repeal acts and parts of acts.

Senator Birkholz, the bill sponsor, explained the reason for the legislation to the committee members.

Bob Wilson, Majority Policy Analyst, explained the substitute for the bill.

Senator Birkholz offered the substitute (S-1) for Senate Bill 785.

Senator Patterson moved to adopt the substitute (S-1) for Senate Bill 785.

Senator Van Woerkom supported the motion.

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

Yeas: Senators Birkholz, Van Woerkom, Patterson and Basham, (4/5)

Nays: None. (0)

Matt Smego and Carrie Vollmer-Sanders, representing Michigan Farm Bureau, testified in support of the bill. Mr. Smego addressed questions from committee members following his remarks.

David Nyberg, representing the Michigan United Conservation Clubs, testified in support of the bill.

James Clift, representing the Michigan Environmental Council, testified in opposition to the bill. Following his testimony, Mr. Clift responded to questions from a committee member.

Jeff King, representing King and MacGregor Environmental, expressed his concerns about the bill. Mr. King answered questions from a committee member. A copy of his written testimony is attached to the report-out-file for the bill.

Brad Ward, representing the Michigan Association of Realtors, testified in support of the bill.

Grenetta Thomassey and Jennifer McKay, representing the Tip of the Mitt Watershed Council, testified in opposition to the bill. Ms. Thomassey addressed questions from committee members following her testimony.

Ed Noyola, representing County Road Association of Michigan, testified in support of the bill.

Rachel Kuntzsch, representing the Heart of the Lakes Center for Land Conversation Policy, informed the committee of her organization's concerns.

Susan Harley, representing Clean Water Action, testified in opposition to the bill.

Marc Smith, representing the National Wildlife Federation, testified in opposition to the bill.

Pat McCollough, representing Save Our Shoreline, testified in opposition to the bill as amended. Mr. McCollough suggested amendments to the substitute. A copy of his written testimony and amendments are attached to the report-out-file for the bill.

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

Lee Schwartz, representing the Michigan Association of Home Builders, in support;
Eric Davis, representing the Michigan Association of County Drain Commissioners, neutral;
Gayle Miller, representing Sierra Club, in opposition;
Chris Hackbarth, representing the Michigan Municipal League, support in concept;
Lori Phalen, representing the Michigan Association of Conservation Districts, in support;
Lisa Wozniak, representing the Michigan League of Conservation Voters, in opposition;
Tom Frazier, representing the Michigan Townships Association, supports with reservations;

Donald Dixon, representing Dixon Global LLC; and

Randy Gross, representing the Michigan Manufacturers Association*, neutral.

Frank Ruswick, Senior Policy Advisor for the Department of Environmental Quality, testified in support of the bill

Senator Patterson moved to report Senate Bill 785 with the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Senator Basham supported the motion.

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

Yeas: Senators Birkholz, Van Woerkom and Patterson, (3/5)

Nays: None, (0)

Pass: Senator Basham. (1/5)

Senator Van Woerkom moved that the committee further recommend that the bill be given immediate effect.

Senator Patterson supported the motion.

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

Yeas: Senators Birkholz, Van Woerkom and Patterson, (3/5)

Nays: None, (0)

Pass: Senator Basham. (1/5)

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

**Senator Basham moved to excuse Senator Gleason from today's committee meeting.
Senator Van Woerkom supported the motion.
There being no objections from the majority members present, the member was excused.**

There being no other business before the committee; **the Chair adjourned the committee** at 2:50 p.m.

Patricia L. Birkholz, Chair
Senate Standing Committee on Natural Resources and Environmental Affairs

Joy A. E. Brewer, Committee Clerk

Date approved by the committee