

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

Tuesday, November 9, 2010 1:00 p.m. Rooms 402 and 403, Capitol Building

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

Amy Frankmann led the members of the committee in the recital of the *Pledge of Allegiance*.

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

The Chair laid before the committee the minutes of November 3, 2010 as printed.

Senator Van Woerkom moved to adopt the minutes of November 3, 2010 as printed.
Senator Gleason supported the motion.
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 Bill 5368.

House Bill No. 5368, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8501, 8517, and 8520 (MCL 324.8501, 324.8517, and 324.8520), section 8501 as amended by 2008 PA 13, section 8517 as amended by 2008 PA 14, and section 8520 as added by 2006 PA 503, and by adding sections 8512b, 8512f, and 8512g.

Suzanne Vanlerberghe, Legislative Assistant to Representative Terry Brown, referred to Bob Wilson, Senate Majority Policy Analyst, to explain House Bill 5368 (S-2) to the committee members.

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Senator Birkholz offered the substitute (S-2) for House Bill 5368.

Senator Van Woerkom moved to adopt the substitute (S-1) for Senate Bill 1450.

Senator Gleason 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, Basham and Gleason, (4/5)

Nays: None. (0)

The following individuals submitted testimony cards in support of the bill, but did not wish to speak:

James Clift, Policy Director for the Michigan Environmental Council;

Scott Faustyn, representing the Michigan Green Industries Association; and

Jim Miller, representing Scotts Fertilizer Company and Michigan Agri Business Association.

The following individuals submitted testimony cards stating they were neutral on the bill, and did not wish to speak:

Nancy Nquist and April Hunt, representing the Michigan Department of Agriculture;

Tonia Ritter, representing Michigan Farm Bureau; and

Amy Frankmann, representing the Michigan Nursery and Landscape Association.

Senator Van Woerkom moved to report House Bill 5368 with the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Senator Gleason 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, Basham and Gleason, (4/5)

Nays: None. (0)

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, Basham and Gleason, (4/5)

Nays: None. (0)

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

The Chair laid before the committee Senate Bill 1564.

Senate Bill No. 1564, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11102, 11107, 11118a, 11121, 11123, 11124, 11125, 11129, 11140, and 11153 (MCL 324.11102, 324.11107, 324.11118a, 324.11121, 324.11123, 324.11124, 324.11125, 324.11129, 324.11140, and 324.11153), section 11118a as added by 1996 PA 182 and section 11153 as amended by 2008 PA 403; and to repeal acts and parts of acts.

Bob Wilson, Senate Majority Policy Analyst, explained Senate Bill 1564 and the two amendments to the bill to the committee members.

Scott Maris, representing the Environmental Quality Company, testified in support of the bill. Liane Shekter Smith, Chief of Environmental Resource Management Division in the Department of Natural Resources and Environment, testified in support of the legislation.

The following individuals submitted testimony cards in support of the bill, but did not wish to speak:

James Clift, Policy Director for the Michigan Environmental Council;
Doug Roberts, representing the Michigan Chamber of Commerce; and
Brian Kandler, representing the Detroit Regional Chamber of Commerce.

Senator Basham offered and moved to adopt the following amendments to Senate Bill 1564:

1. Amend page 4, line 5, after “ (3) ”by inserting “ IN ADDITION TO THE INFORMATION REQUIRED UNDER SECTION 11123.”
2. Amend page 4, line 5, after “A” by inserting “PROPOSED”.
3. Amend page 4, line 7, after “DEPARTMENT” by inserting “IN AN APPLICATION FOR AN OPERATING LICENSE”.

Senator VanWoerkom 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, Basham and Gleason, (4/5)

Nays: None. (0)

Senator Birkholz offered and moved to adopt the following amendment to Senate Bill 1564:

1. Amend page 4, line 27, after “(5)” by striking out “(9)” and inserting “(8)”.

Senator VanWoerkom 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, Basham and Gleason, (4/5)

Nays: None. (0)

Senator Basham moved to report Senate Bill 1564 with the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Senator VanWoerkom 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, Basham and Gleason, (4/5)

Nays: None. (0)

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

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, Basham and Gleason, (4/5)

Nays: None. (0)

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

Senator Van Woerkom moved to excuse Senator Patterson from today's committee meeting.

Senator Basham supported the motion.

There being no objection the motion prevailed by unanimous consent of the members present; Senator Patterson was excused.

There being no other business before the committee; **the Chair adjourned the meeting** at 1:27 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