

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, August 24, 2010

12:00 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.

Robert Hillard, City Manager for the City of Allegan, 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 August 18, 2010 as printed.

Senator Van Woerkom moved to adopt the minutes of August 18, 2010 as printed.
Senator Basham 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 Senate Bills 1442 and 1443.

Senate Bill No. 1442, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 5204 and 19708 (MCL 324.5204 and 324.19708), section 5204 as amended by 2005 PA 253 and section 19708 as amended by 2005 PA 256, and by adding sections 5204b, 5204c, and 19703a.

Senate Bill No. 1443, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5204a (MCL 324.5204a), as added by 2005 PA 254, and by adding section 5317.

John C. Bollman, Director of the Legal Division for Michigan Legislative Service Bureau, explained the substitute (S-2) for Senate Bill 1442 to the committee members.

Christopher Hackbarth, Legislative Associate for the Michigan Municipal League, and Robert Hillard, City Manager for the City of Allegan, testified in support of the bills as amended.

Tom Fraiser, Legislative Liaison for the Michigan Townships Association, explained the association's position and concerns about the bill package.

Jim Sygo, Deputy Director of Environmental Protection in the Department of Natural Resources and Environment, Lynelle Marolf, Division Chief for the Remediation Division in the Department of Natural Resources and Environment, submitted a testimony card stating the department was there to advise and answer questions regarding all the bills on the agenda.

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

Doug Roberts, representing the Michigan Chamber of Commerce;
Tim Neumann, representing the Michigan Rural Water Association;
Keith Ledbetter, representing Michigan Infrastructure and Transportation Association;
Tom Hickson, representing Michigan Association of Counties; and
David Nyberg, representing Michigan United Conservation Clubs.

Gayle Miller, representing the Sierra Club-Michigan Chapter, submitted written testimony in opposition to Senate Bills 1442 and 1443. A copy of her written testimony is attached to the report-out-file for the bills.

Senator Birkholz offered and moved to adopt the substitute (S-2) for Senate Bill 1442.

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, Basham and Gleason, (4/5)

Nays: None. (0)

Senator Birkholz moved to report Senate Bill 1442 with the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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, 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 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.

John C. Bollman, Director of the Legal Division for Michigan Legislative Service Bureau, explained the substitute (S-2) for Senate Bill 1443 to the committee members.

Senator Birkholz offered and moved to adopt the substitute (S-2) for Senate Bill 1443.

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, Basham and Gleason, (4/5)

Nays: None. (0)

Senator Van Woerkom moved to report Senate Bill 1443 with the recommendation that the substitute (S-2) 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, 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 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.

The Chair laid before the committee Senate Bill 1267.

Senate Bill No. 1267, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 21550 (MCL 324.21550), as amended by 2004 PA 390.

Senator Olshove, the bill sponsor, explained the bill to committee members. Following his introduction of the bill, Senator Olshove responded to questions from committee members.

Senator Birkholz offered the substitute (S-1) for Senate Bill 1267.

Senator Van Woerkom moved to adopt the substitute (S-1) for Senate Bill 1267.

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 following individuals submitted testimony cards in support of the bills, but did not wish to testify:

Tom Fraiser, Legislative Liaison for the Michigan Townships Association;
Art Miller, representing the City of Warren; and
Sarah Mullkoff, representing Clean Water Action.

Edward Weglarz, representing the Associated Food & Petroleum Dealers, testified in opposition to the bill. Following his testimony, Mr. Weglarz answered questions from a committee member.

James Clift, Policy Director for the Michigan Environmental Council, testified in support of the bill, but opposes the (S-1) substitute. Mr. Clift responded to questions from committee members following his testimony.

Mark Griffin, representing the Michigan Petroleum Association and Michigan Association of Convenience Stores, testified in opposition to the bill. Following his testimony, Mr. Griffin addressed questions from committee members.

John Griffin, representing the Associated Petroleum Industries of Michigan, testified in opposition to the bill. Mr. Griffin answered questions from committee members following his testimony. A copy of his handout is attached to the report-out-file for the bill.

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

Senator Birkholz supported the motion.

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

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There being no other business before the committee; **Senator Gleason moved to adjourn the meeting.**

Senator Basham supported the motion.

The motion prevailed, the time being 1:15 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