

The Senate



SENATOR
PATRICIA L. BIRKHOLOZ
Chair

**Committee on Natural Resources
and Environmental Affairs**

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Minutes of the Standing Committee
on
Natural Resources and Environmental Affairs

Wednesday, March 10, 2010

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.

Representative Arlan Meekhof from the Eighty-ninth House District 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, Basham and Gleason. (4/5)**

Member absent and excused was Senator Patterson. (1/5)

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

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 Basham, (3/5)

Nays: None. (0)

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

Senator Van Woerkom moved to adopt the minutes of March 3, 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 HB 5752.

House Bill No. 5752, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2001, 2005, and 2030 (MCL 324.2001, 324.2005, and 324.2030), as added by 2004 PA 587, and by adding sections 1911 and 2045; and to repeal acts and parts of acts.

Representative Meekhof, the bill sponsor, explained the bill to the committee members. Discussion followed.

Van Snider, representing the Michigan Boating Industries Association, submitted a testimony in support of the bill, but did not wish to testify.

The Chair laid before the committee SB 1117.

Senate Bill No. 1117, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80163 (MCL 324.80163), as added by 1995 PA 58.

Bob Wilson, Senator Majority Policy Analyst, explained the bill to the committee members.

Senator Randy Richardville testified in support of the bill. Following his testimony, Senator Richardville addressed questions from a committee member.

Frank Ruswick, Legislative Liaison for the Department of Natural Resources and Environment, testified in support of the legislation. Gary Hagler, Law Enforcement Division Chief for the Department of Natural Resources and Environment, and Lt. Andrew Turner, Supervisor of the Recreation Safety and Education Section in the Law Enforcement Division of the Department of Natural Resources and Environment, answered questions from committee members.

Senator Gleason entered the committee room.

Eric C. Foster, representing the Michigan Boating Industries Association and Belle Maer Harbor, testified in support of the bill.

Tom Fazier, representing the Michigan Townships Association, submitted a testimony card in support of the legislation, but did not wish to testify.

Senator Birkholz offered the following amendment to Senate Bill 1117:

1. Amend page 1, line 6, after "**LOCATED**" by inserting "**MAY RELOCATE OR REMOVE IT OR**".

Senator Van Woerkom moved to adopt the amendment to Senate Bill 1117.

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 Basham moved to report Senate Bill 1117 with the recommendation that the substitute (S-1) 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.

The Chair laid before the committee HB 5752.

House Bill No. 5752, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2001, 2005, and 2030 (MCL 324.2001, 324.2005, and 324.2030), as added by 2004 PA 587, and by adding sections 1911 and 2045; and to repeal acts and parts of acts.

Senator Gleason moved to report House Bill 5752 with the recommendation that the bill 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 Basham moved that the committee further recommend that the bill be given immediate effect.

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 bill was referred to the Committee of the Whole.

The Chair laid before the committee SB 1088.

Senate Bill No. 1088, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 301 (MCL 324.301), as amended by 2004 PA 587, and by adding section 501b.

Emily Carney, Chief of Staff for Senator McManus, the bill sponsor, explained the bill to the committee members.

Senator Birkholz offered and moved to adopt the following amendment to Senate Bill 1088:

1. Amend page 2, line 23, after "RESOURCES" by inserting "OR THE DEPARTMENT OF ENVIRONMENTAL QUALITY".

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 1088 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, 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 SB 1210.

Senate Bill No. 1210, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5451, 5453, 5454, 5455, 5456, 5457, 5458, 5459, 5460, 5461, 5461a, 5462, 5463, 5466, 5467, 5468, 5469, 5470, 5471, 5472, 5473, 5473a, 5474, 5474b, 5475, 5475a, 5476, and 5477 (MCL 333.5451, 333.5453, 333.5454, 333.5455, 333.5456, 333.5457, 333.5458, 333.5459, 333.5460, 333.5461, 333.5461a, 333.5462, 333.5463, 333.5466, 333.5467, 333.5468, 333.5469, 333.5470, 333.5471, 333.5472, 333.5473, 333.5473a, 333.5474, 333.5474b, 333.5475, 333.5475a, 333.5476, and 333.5477), sections 5451, 5461, 5469, 5470, and 5474 as added by 1998 PA 219, section 5453 as amended by 2008 PA 45, sections 5454, 5455, 5456, 5457, 5458, 5459, 5460, 5462, 5463, 5467, 5468, 5471, 5472, 5473a, 5475, 5476, and 5477 as amended by 2002 PA 644, sections 5461a, 5466, and 5473 as added by 1998 PA 220, section 5474b as added by 2004 PA 432, and section 5475a as added by 2004 PA 434, and by adding sections 5460b, 5461b, 5461c, 5469a, and 5469b.

Senator Birkholz, the bill sponsor, explained the bill to the committee members.

Mr. Wesley F. Priem, Section Manager of the Lead and Healthy Homes Section in the Division of Environmental and Occupational Epidemiology in the Department of Community Health, testified in support of the bill.

Doug Farquhar, J.D., Program Director of Environmental Health at the National Conference of State Legislatures, testified in support of the legislation.

Dr. Maria J. Doa, Director of the Environmental Protection Agency's (EPA) National Program Chemicals Division, testified in support of the bill.

Mr. Priem, Mr. Farquhar and Dr. Doa addressed questions from committee members.

Lee Schwartz, representing Michigan Association of Home Builders, and Mr. Thomas Barber, President of the Michigan Association of Home Builders, testified in support of the legislation. Following their remarks, Mr. Schwartz and Mr. Barber answered questions from committee members.

Brad Ward, representing the Michigan Association of Realtors, expressed his concerns about the bill.

Bill McMaster, State Chairman of the Taxpayers United Michigan Foundation, testified in opposition to the bill. Mr. McMaster responded to questions from a committee member.

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

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Cynthia Maher, representing the Michigan Plumbing and Mechanical Contractors Association, neutral on the bill;

Lynn Briggs, representing Contractors Association of Michigan, neutral on the bill; and
James Clift, representing the Michigan Environmental Council, in support of the bill.

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

Senator Birkholz supported the motion.

The motion prevailed, the time being 2:53 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