

49 No.

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THE OF

House of Representatives

Legislature 94th

2008 OF SESSION REGULAR

House Chamber, Lansing, Wednesday, May 21, 2008.

1:30 p.m.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Second Reading of Bills

House Bill No. 5065, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32701 and 32702 (MCL 324.32701 and 324.32702), as amended by 2006 PA 33.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Great Lakes and Environment,

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

Rep. Emmons moved to substitute (H-6) the bill.

The motion prevailed and the substitute (H-6) was adopted, a majority of the members serving voting therefor.

Rep. Warren moved to substitute (H-5) the bill.

The motion prevailed and the substitute (H-5) was adopted, a majority of the members serving voting therefor.

Rep. Griffin moved to amend the bill as follows:

1. Amend page 20, line 3, by striking out all of enacting section 1.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. McDowell moved to amend the bill as follows:

1. Amend page 19, following line 25, by inserting:

“(H) A WITHDRAWAL FROM A NONCOMMERCIAL WELL LOCATED ON SINGLE-FAMILY RESIDENTIAL PROPERTY NOT EXCEEDING 4 UNITS AND NOT MORE THAN 3 ACRES IN SIZE. HOWEVER, THE EXEMPTION PROVIDED FOR IN THIS SUBDIVISION DOES NOT APPLY TO LAKE AUGMENTATION WELLS.”.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. McDowell moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Tobocman moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

Rep. Meekhof moved that Rep. Huizenga be excused from the balance of today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5065, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 32701 and 32702 (MCL 324.32701 and 324.32702), as amended by 2006 PA 33.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 424 Yeas—57

Accavitti Cushingberry Jackson Miller

Angerer Dean Johnson Polidori

Bauer Dillon Jones, Robert Rocca

Bennett Donigan Lahti Sak

Bieda Ebli Law, Kathleen Scott

Brandenburg Espinoza LeBlanc Smith, Alma

Byrnes Farrah Leland Smith, Virgil

Byrum Gaffney Lemmons Tobocman

Cheeks Gillard Lindberg Vagnozzi

Clack Gonzales Mayes Valentine

Clemente Hammel McDowell Ward

Condino Hammon Meadows Warren

Constan Hood Meisner Wojno

Corriveau Hopgood Melton Young

Coulouris

Nays—50

Acciavatti Green Meltzer Proos

Agema Griffin Moolenaar Robertson

Amos Hansen Moore Schuitmaker

Ball Hildenbrand Moss Shaffer

Booher Hoogendyk Nitz Sheen

Brown Horn Nofs Sheltroun

Calley Hune Opsommer Simpson

Casperson Jones, Rick Palmer Spade

Caswell Knollenberg Palsrok Stahl

Caul LaJoy Pastor Stakoe

Elsenheimer Law, David Pavlov Steil

Emmons Marleau Pearce Walker

Garfield Meekhof

In The Chair: Sak

The question being on agreeing to the title of the bill,

Rep. Tobocman moved to amend the title to read as follows:

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 32701, 32702, 32703, and 32727 (MCL 324.32701, 324.32702, 324.32703, and 324.32727), sections 32701, 32702, and 32703 as amended and section 32727 as added by 2006 PA 33.

The motion prevailed.

The House agreed to the title as amended.

Reps. Hildenbrand, Meekhof and Knollenberg, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

We must protect the environment and that’s why I voted for the Great Lakes Water Compact, but we need to protect our economy as well.

The House Democrats’ plan to monitor water withdrawals goes well beyond what is required by the Great Lakes Water Compact. It imposes unnecessary regulation on Michigan businesses and farmers, which will harm our economy.

I do believe we do need a system to monitor environmental impact of water withdrawals, but these bills are overly restrictive. Unlike the plan I supported, these stringent requirements will shut off large portions of the state from future economic uses and will drive more businesses out of state. For example, agriculture is one of our state’s top industries, but this plan makes it harder to get a permit and will make costs go up for farmers.

Furthermore, these bills take control over how our water is used away from elected lawmakers and hands it over to the bureaucrats at the Department of Environmental Quality.

I offered an alternate plan that would protect our environment and water resources while still promoting economic growth, but this plan was voted down. For these reasons, I cannot support these bills at this time.”

Rep. Schuitmaker, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

We must protect the environment and that’s why I voted for the Great Lakes Water Compact, but we need to protect our economy as well.

The House plan to monitor water withdrawals goes well beyond what is required by the Great Lakes Water Compact. It imposes unnecessary regulation on Michigan businesses and farmers, which will harm our economy.

I do believe we do need a system to monitor environmental impact of water withdrawals, but these bills are overly restrictive. Unlike the plan I supported, these stringent requirements will shut off large portions of the state from future economic uses and will drive more businesses out of state. For example, agriculture is one of our state's top industries, but this plan makes it harder to get a permit and will make costs go up for farmers.

Furthermore, these bills take control over how our water is used away from elected lawmakers and hands it over to the bureaucrats at the Department of Environmental Quality.

I offered an alternate plan that would protect our environment and water resources while still promoting economic growth, but this plan was voted down. For these reasons, I cannot support these bills at this time.”

Rep. Palsrok, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

We must protect the environment and that's why I voted for the Great Lakes Water Compact and was instrumental in passing the water withdrawal legislation during the 93rd legislative session, but we need to protect our economy as well.

The House Democrats' plan to monitor water withdrawals goes well beyond what is required by the Great Lakes Water Compact. It imposes unnecessary regulation on Michigan businesses and farmers, which will harm our economy.

I do believe we do need a system to monitor environmental impact of water withdrawals, but these bills are overly restrictive. Unlike the plan I supported, these stringent requirements will shut off large portions of the state from future economic uses and will drive more businesses out of state. For example, agriculture is one of our state's top industries, but this plan makes it harder to get a permit and will make costs go up for farmers.

Furthermore, these bills take control over how our water is used away from elected lawmakers and hands it over to the bureaucrats at the Department of Environmental Quality.

I supported an alternate plan that would protect our environment and water resources while still promoting economic growth, but this plan was gaveled down without a vote. For these reasons, I cannot support these bills at this time. However, I anxiously

await for opportunity to vote on the senate versions of this legislation which do offer a balance between protecting our resources and allowing for its responsible use.”

Rep. Sheen, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

The Great Lakes Compact and the package of bills connected to it would put in jeopardy Michigan’s sovereign industries that utilize this resource, and the individual citizen’s ability to tap this great resource as seen fit. I believe if we don not sign the compact, that in a court of law, any attempt by the federal government to divert water from the Great Lakes Basins would ultimately be overridden by the tenth amendment and individual state’s rights. In addition to the sovereignty concerns, the Michigan Manufactures Association testified that this legislation would create far reaching regulation, raising the cost of doing business. This would further exasperate our economy and cost jobs in the food and beverage, agricultural and other manufacturing industries. It would also create regulatory uncertainty, increased bureaucracy, and would encourage more litigation. They also testified that the reduction flow index is not supported by the current science; in fact, it would abandon years of scientific study and millions of dollars of research funded by state money.

I voted for HB 4343 as the lesser of two evils, though I would have preferred to do nothing. Which of the following is the greatest danger:

- 1) The Federal government usurping control over the Great Lakes and subjecting us to the Army Corp of Engineers, who have screwed up state after state with their federal water projects?
- 2) Create another layer of bureaucracy, subjecting our state and job providers to the whims of seven other states and two Canadian provinces.

I consider the Federal government more dangerous than subjecting ourselves to seven states and two provinces. If the compact is signed, then the Federal government will sign it as well. However, if the Federal government doesn’t sign the bill, it negates the whole compact.

That being said, I cannot support any of the bills connected with the Great Lakes Compact (HBs 5065-5073 and SBs 858-860, 721, 723, 725-729). Currently, Michigan has the authority to decide how much water is utilized, removed, or diverted in the Great Lakes Basin. It can decide how much water each of its citizen’s, municipalities, and industries such as farmers, manufactures, and other job providers use in their

course of business. Every other state around us is limited in what they can and cannot do according to the percentage of that state's or province's territory that borders the Great Lakes Basin. Michigan is considered a 99% border basin, with the next closest state bordering at only 40%. Why would we want to relinquish our right and ability to utilize one of Michigan's greatest resources at a time in which the auto industry is faltering and Michigan's economy is in the basement?"

Rep. Tobocman moved that the bill be given immediate effect.

The question being on the motion made by Rep. Tobocman,

Rep. Schuitmaker demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Tobocman,

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 425 Yeas—57

Accavitti Dean Jackson Polidori

Angerer Dillon Johnson Rocca

Bauer Donigan Jones, Robert Sak

Bennett Ebli Lahti Scott

Bieda Espinoza Law, Kathleen Simpson

Brandenburg Farrah LeBlanc Smith, Alma

Byrnes Gaffney Leland Smith, Virgil

Byrum Gillard Lemmons Tobocman

Cheeks Gonzales Lindberg Vagnozzi

Clack Griffin McDowell Valentine

Clemente Hammel Meadows Ward

Condino Hammon Meisner Warren

Constan Hood Melton Wojno

Corriveau Hopgood Miller Young

Coulouris

Nays—50

Acciavatti Garfield Meekhof Pearce

Agema Green Meltzer Proos

Amos Hansen Moolenaar Robertson

Ball Hildenbrand Moore Schuitmaker

Booher Hoogendyk Moss Shaffer

Brown Horn Nitz Sheen

Calley Hune Nofs Sheltroun

Casperson Jones, Rick Opsommer Spade

Caswell Knollenberg Palmer Stahl

Caul LaJoy Palsrok Stakoe

Cushingberry Law, David Pastor Steil

Elsenheimer Marleau Pavlov Walker

Emmons Mayes

In The Chair: Sak

Second Reading of Bills

House Bill No. 5066, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 32705, 32706, 32707, 32708, and 32708a (MCL 324.32705, 324.32706, 324.32707, 324.32708, and 324.32708a), sections 32705 and 32708 as amended and section 32708a as added by 2006 PA 35, section 32706 as amended by 1996 PA 434, and section 32707 as amended by 2006 PA 33, and by adding section 32708b.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Great Lakes and Environment,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Moolenaar moved to substitute (H-5) the bill.

The motion did not prevail and the substitute (H-5) was not adopted, a majority of the members serving not voting therefor.

Rep. Warren moved to amend the bill as follows:

1. Amend page 3, line 17, by striking out “**32701(D)(i)(C)**” and inserting “**32701(D)(i)(B)**”.
2. Amend page 10, line 3, after “TO” by striking out “**325.1025**” and inserting “**325.1023**”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Meadows moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Tobocman moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5066, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 32705, 32706, 32707, 32708, and 32708a (MCL 324.32705, 324.32706, 324.32707, 324.32708, and 324.32708a), sections 32705 and 32708 as amended and section 32708a as added by 2006 PA 35, section 32706 as amended by 1996 PA 434, and section 32707 as amended by 2006 PA 33, and by adding section 32708b.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 426 Yeas—58

Accavitti Cushingberry Jackson Polidori

Angerer Dean Johnson Rocca

Bauer Dillon Jones, Robert Sak

Bennett Donigan Lahti Scott

Bieda Ebli Law, Kathleen Sheltroun

Brandenburg Espinoza LeBlanc Smith, Alma

Byrnes Farrah Leland Smith, Virgil

Byrum Gaffney Lemmons Tobocman

Cheeks Gillard Lindberg Vagnozzi

Clack Gonzales McDowell Valentine

Clemente Griffin Meadows Ward

Condino Hammel Meisner Warren

Constan Hammon Melton Wojno

Corriveau Hood Miller Young

Coulouris Hopgood

Nays—49

Acciavatti Green Meekhof Pearce

Agema Hansen Meltzer Proos

Amos Hildenbrand Moolenaar Robertson

Ball Hoogendyk Moore Schuitmaker

Booher Horn Moss Shaffer

Brown Hune Nitz Sheen

Calley Jones, Rick Nofs Simpson

Casperson Knollenberg Opsommer Spade

Caswell LaJoy Palmer Stahl

Caul Law, David Palsrok Stakoe

Elsenheimer Marleau Pastor Steil

Emmons Mayes Pavlov Walker

Garfield

In The Chair: Sak

The question being on agreeing to the title of the bill,

Rep. Tobocman moved to amend the title to read as follows:

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 32707, 32708, 32708a, 32709, and 32710 (MCL 324.32707, 324.32708, 324.32708a, 324.32709, and 324.32710), section 32707 as amended by 2006 PA 33, section 32708 as amended and section 32708a as added by 2006 PA 35, and sections 32709 and 32710 as added by 1995 PA 59.

The motion prevailed.

The House agreed to the title as amended.

Rep. Meekhof, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

We must protect the environment and that’s why I voted for the Great Lakes Water Compact, but we need to protect our economy as well.

The House Democrats’ plan to monitor water withdrawals goes well beyond what is required by the Great Lakes Water Compact. It imposes unnecessary regulation on Michigan businesses and farmers, which will harm our economy.

I do believe we do need a system to monitor environmental impact of water withdrawals, but these bills are overly restrictive. Unlike the plan I supported, these stringent requirements will shut off large portions of the state from future economic uses and will drive more businesses out of state. For example, agriculture is one of our state’s top industries, but this plan makes it harder to get a permit and will make costs go up for farmers.

Furthermore, these bills take control over how our water is used away from elected lawmakers and hands it over to the bureaucrats at the Department of Environmental Quality.

I offered an alternate plan that would protect our environment and water resources while still promoting economic growth, but this plan was voted down. For these reasons, I cannot support these bills at this time.”

Rep. Sheen, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

The Great Lakes Compact and the package of bills connected to it would put in jeopardy Michigan’s sovereign industries that utilize this resource, and the individual citizen’s ability to tap this great resource as seen fit. I believe if we do not sign the compact, that in a court of law, any attempt by the federal government to divert water from the Great Lakes Basins would ultimately be overridden by the tenth amendment and individual state’s rights. In addition to the sovereignty concerns, the Michigan Manufactures Association testified that this legislation would create far reaching regulation, raising the cost of doing business. This would further exasperate our economy and cost jobs in the food and beverage, agricultural and other manufacturing industries. It would also create regulatory uncertainty, increased bureaucracy, and

would encourage more litigation. They also testified that the reduction flow index is not supported by the current science; in fact, it would abandon years of scientific study and millions of dollars of research funded by state money.

I voted for HB 4343 as the lesser of two evils, though I would have preferred to do nothing. Which of the following is the greatest danger:

- 1) The Federal government usurping control over the Great Lakes and subjecting us to the Army Corp of Engineers, who have screwed up state after state with their federal water projects?
- 2) Create another layer of bureaucracy, subjecting our state and job providers to the whims of seven other states and two Canadian provinces.

I consider the Federal government more dangerous than subjecting ourselves to seven states and two provinces. If the compact is signed, then the Federal government will sign it as well. However, if the Federal government doesn't sign the bill, it negates the whole compact.

That being said, I cannot support any of the bills connected with the Great Lakes Compact (HBs 5065-5073 and SBs 858-860, 721, 723, 725-729). Currently, Michigan has the authority to decide how much water is utilized, removed, or diverted in the Great Lakes Basin. It can decide how much water each of its citizen's, municipalities, and industries such as farmers, manufactures, and other job providers use in their course of business. Every other state around us is limited in what they can and cannot do according to the percentage of that state's or province's territory that borders the Great Lakes Basin. Michigan is considered a 99% border basin, with the next closest state bordering at only 40%. Why would we want to relinquish our right and ability to utilize one of Michigan's greatest resources at a time in which the auto industry is faltering and Michigan's economy is in the basement?"

Rep. Tobocman moved that the bill be given immediate effect.

The question being on the motion made by Rep. Tobocman,

Rep. Schuitmaker demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Tobocman,

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 427 Yeas—58

Accavitti Dean Johnson Rocca

Angerer Dillon Jones, Robert Sak

Bauer Donigan Lahti Scott

Bennett Ebli Law, Kathleen Sheltroun

Bieda Espinoza LeBlanc Simpson

Brandenburg Farrah Leland Smith, Alma

Byrnes Gaffney Lemmons Smith, Virgil

Byrum Gillard Lindberg Tobocman

Cheeks Gonzales McDowell Vagnozzi

Clack Griffin Meadows Valentine

Clemente Hammel Meisner Ward

Condino Hammon Melton Warren

Constan Hood Miller Wojno

Corriveau Hopgood Polidori Young

Coulouris Jackson

Nays—49

Acciavatti Garfield Mayes Pavlov

Agema Green Meekhof Pearce

Amos Hansen Meltzer Proos

Ball Hildenbrand Moolenaar Robertson

Booher Hoogendyk Moore Schuitmaker

Brown Horn Moss Shaffer

Calley Hune Nitz Sheen

Casperson Jones, Rick Nofs Spade

Caswell Knollenberg Opsommer Stahl

Caul LaJoy Palmer Stakoe

Cushingberry Law, David Palsrok Steil

Elsenheimer Marleau Pastor Walker

Emmons

In The Chair: Sak

Second Reading of Bills

House Bill No. 5073, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 32729.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Great Lakes and Environment,

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Warren moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Robertson moved to substitute (H-3) the bill.

The motion did not prevail and the substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

Rep. Kathleen Law moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Tobocman moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5073, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 32729.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 428 Yeas—58

Accavitti Cushingberry Jackson Polidori

Angerer Dean Johnson Rocca

Bauer Dillon Jones, Robert Sak

Bennett Donigan Lahti Scott

Bieda Ebli Law, Kathleen Sheltrown

Brandenburg Espinoza LeBlanc Smith, Alma

Byrnes Farrah Leland Smith, Virgil

Byrum Gaffney Lemmons Tobocman

Cheeks Gillard Lindberg Vagnozzi

Clack Gonzales McDowell Valentine

Clemente Griffin Meadows Ward

Condino Hammel Meisner Warren

Constan Hammon Melton Wojno

Corriveau Hood Miller Young

Coulouris Hopgood

Nays—49

Acciavatti Green Meekhof Pearce

Agema Hansen Meltzer Proos

Amos Hildenbrand Moolenaar Robertson

Ball Hoogendyk Moore Schuitmaker

Booher Horn Moss Shaffer

Brown Hune Nitz Sheen

Calley Jones, Rick Nofs Simpson

Casperson Knollenberg Opsommer Spade

Caswell LaJoy Palmer Stahl

Caul Law, David Palsrok Stakoe

Elsenheimer Marleau Pastor Steil

Emmons Mayes Pavlov Walker

Garfield

In The Chair: Sak

The House agreed to the title of the bill.

Rep. Meekhof, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

We must protect the environment and that’s why I voted for the Great Lakes Water Compact, but we need to protect our economy as well.

The House Democrats’ plan to monitor water withdrawals goes well beyond what is required by the Great Lakes Water Compact. It imposes unnecessary regulation on Michigan businesses and farmers, which will harm our economy.

I do believe we do need a system to monitor environmental impact of water withdrawals, but these bills are overly restrictive. Unlike the plan I supported, these stringent requirements will shut off large portions of the state from future economic uses and will drive more businesses out of state. For example, agriculture is one of our state’s top industries, but this plan makes it harder to get a permit and will make costs go up for farmers.

Furthermore, these bills take control over how our water is used away from elected lawmakers and hands it over to the bureaucrats at the Department of Environmental Quality.

I offered an alternate plan that would protect our environment and water resources while still promoting economic growth, but this plan was voted down. For these reasons, I cannot support these bills at this time.”

Rep. Sheen, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

The Great Lakes Compact and the package of bills connected to it would put in jeopardy Michigan’s sovereign industries that utilize this resource, and the individual citizen’s ability to tap this great resource as seen fit. I believe if we don not sign the compact, that in a court of law, any attempt by the federal government to divert water from the Great Lakes Basins would ultimately be overridden by the tenth amendment and individual state’s rights. In addition to the sovereignty concerns, the Michigan Manufactures Association testified that this legislation would create far reaching regulation, raising the cost of doing business. This would further exasperate our

economy and cost jobs in the food and beverage, agricultural and other manufacturing industries. It would also create regulatory uncertainty, increased bureaucracy, and would encourage more litigation. They also testified that the reduction flow index is not supported by the current science; in fact, it would abandon years of scientific study and millions of dollars of research funded by state money.

I voted for HB 4343 as the lesser of two evils, though I would have preferred to do nothing. Which of the following is the greatest danger:

1) The Federal government usurping control over the Great Lakes and subjecting us to the Army Corp of Engineers, who have screwed up state after state with their federal water projects?

2) Create another layer of bureaucracy, subjecting our state and job providers to the whims of seven other states and two Canadian provinces.

I consider the Federal government more dangerous than subjecting ourselves to seven states and two provinces. If the compact is signed, then the Federal government will sign it as well. However, if the Federal government doesn't sign the bill, it negates the whole compact.

That being said, I cannot support any of the bills connected with the Great Lakes Compact (HBs 5065-5073 and SBs 858-860, 721, 723, 725-729). Currently, Michigan has the authority to decide how much water is utilized, removed, or diverted in the Great Lakes Basin. It can decide how much water each of its citizen's, municipalities, and industries such as farmers, manufactures, and other job providers use in their course of business. Every other state around us is limited in what they can and cannot do according to the percentage of that state's or province's territory that borders the Great Lakes Basin. Michigan is considered a 99% border basin, with the next closest state bordering at only 40%. Why would we want to relinquish our right and ability to utilize one of Michigan's greatest resources at a time in which the auto industry is faltering and Michigan's economy is in the basement?"

Rep. Tobocman moved that the bill be given immediate effect.

The question being on the motion made by Rep. Tobocman,

Rep. Schuitmaker demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Tobocman,

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 429 Yeas—58

Accavitti Dean Johnson Rocca

Angerer Dillon Jones, Robert Sak

Bauer Donigan Lahti Scott

Bennett Ebli Law, Kathleen Sheltroun

Bieda Espinoza LeBlanc Simpson

Brandenburg Farrah Leland Smith, Alma

Byrnes Gaffney Lemmons Smith, Virgil

Byrum Gillard Lindberg Tobocman

Cheeks Gonzales McDowell Vagnozzi

Clack Griffin Meadows Valentine

Clemente Hammel Meisner Ward

Condino Hammon Melton Warren

Constan Hood Miller Wojno

Corriveau Hopgood Polidori Young

Coulouris Jackson

Nays—49

Acciavatti Garfield Mayes Pavlov

Agema Green Meekhof Pearce

Amos Hansen Meltzer Proos

Ball Hildenbrand Moolenaar Robertson

Booher Hoogendyk Moore Schuitmaker

Brown Horn Moss Shaffer

Calley Hune Nitz Sheen

Casperson Jones, Rick Nofs Spade

Caswell Knollenberg Opsommer Stahl

Caul LaJoy Palmer Stakoe

Cushingberry Law, David Palsrok Steil

Elsenheimer Marleau Pastor Walker

Emmons

In The Chair: Sak

The Speaker Pro Tempore called Associate Speaker Pro Tempore Byrnes to the Chair.

Second Reading of Bills

House Bill No. 5070, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 32725 and 32726 (MCL 324.32725 and 324.32726), section 32725 as added by 2006 PA 36 and section 32726 as added by 2006 PA 33; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-5) previously recommended by the Committee on Great Lakes and Environment,

The substitute (H-5) was adopted, a majority of the members serving voting therefor.

Rep. Pavlov moved to substitute (H-8) the bill.

The motion did not prevail and the substitute (H-8) was not adopted, a majority of the members serving not voting therefor.

Rep. Sak moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Tobocman moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5070, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 32725 and 32726 (MCL 324.32725 and 324.32726), section 32725 as added by 2006 PA 36 and section 32726 as added by 2006 PA 33; and to repeal acts and parts of acts.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 430 Yeas—62

Accavitti Cushingberry Johnson Rocca

Angerer Dean Jones, Robert Sak

Bauer Dillon Lahti Scott

Bennett Donigan Law, Kathleen Sheltroun

Bieda Ebli LeBlanc Simpson

Brandenburg Espinoza Leland Smith, Alma

Brown Farrah Lemmons Smith, Virgil

Byrnes Gaffney Lindberg Spade

Byrum Gillard Mayes Tobocman

Cheeks Gonzales McDowell Vagnozzi

Clack Griffin Meadows Valentine

Clemente Hammel Meisner Ward

Condino Hammon Melton Warren

Constan Hood Miller Wojno

Corriveau Hopgood Polidori Young

Coulouris Jackson

Nays—45

Acciavatti Green Meekhof Pavlov

Agema Hansen Meltzer Pearce

Amos Hildenbrand Moolenaar Proos

Ball Hoogendyk Moore Robertson

Booher Horn Moss Schuitmaker

Calley Hune Nitz Shaffer

Casperson Jones, Rick Nofs Sheen

Caswell Knollenberg Opsommer Stahl

Caul LaJoy Palmer Stakoe

Elsenheimer Law, David Palsrok Steil

Emmons Marleau Pastor Walker

Garfield

In The Chair: Byrnes

The question being on agreeing to the title of the bill,

Rep. Tobocman moved to amend the title to read as follows:

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 32725, 32726, and 32728 (MCL 324.32725, 324.32726, and 324.32728), section 32725 as added by 2006 PA 36 and sections 32726 and 32728 as added by 2006 PA 33; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

Rep. Meekhof, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

We must protect the environment and that’s why I voted for the Great Lakes Water Compact, but we need to protect our economy as well.

The House Democrats’ plan to monitor water withdrawals goes well beyond what is required by the Great Lakes Water Compact. It imposes unnecessary regulation on Michigan businesses and farmers, which will harm our economy.

I do believe we do need a system to monitor environmental impact of water withdrawals, but these bills are overly restrictive. Unlike the plan I supported, these stringent requirements will shut off large portions of the state from future economic uses and will drive more businesses out of state. For example, agriculture is one of our state’s top industries, but this plan makes it harder to get a permit and will make costs go up for farmers.

Furthermore, these bills take control over how our water is used away from elected lawmakers and hands it over to the bureaucrats at the Department of Environmental Quality.

I offered an alternate plan that would protect our environment and water resources while still promoting economic growth, but this plan was voted down. For these reasons, I cannot support these bills at this time.”

Rep. Sheen, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

The Great Lakes Compact and the package of bills connected to it would put in jeopardy Michigan’s sovereign industries that utilize this resource, and the individual citizen’s ability to tap this great resource as seen fit. I believe if we don not sign the compact, that in a court of law, any attempt by the federal government to divert water from the Great Lakes Basins would ultimately be overridden by the tenth amendment and individual state’s rights. In addition to the sovereignty concerns, the Michigan Manufactures Association testified that this legislation would create far reaching regulation, raising the cost of doing business. This would further exasperate our economy and cost jobs in the food and beverage, agricultural and other manufacturing industries. It would also create regulatory uncertainty, increased bureaucracy, and would encourage more litigation. They also testified that the reduction flow index is not supported by the current science; in fact, it would abandon years of scientific study and millions of dollars of research funded by state money.

I voted for HB 4343 as the lesser of two evils, though I would have preferred to do nothing. Which of the following is the greatest danger:

- 1) The Federal government usurping control over the Great Lakes and subjecting us to the Army Corp of Engineers, who have screwed up state after state with their federal water projects?
- 2) Create another layer of bureaucracy, subjecting our state and job providers to the whims of seven other states and two Canadian provinces.

I consider the Federal government more dangerous than subjecting ourselves to seven states and two provinces. If the compact is signed, then the Federal government will sign it as well. However, if the Federal government doesn’t sign the bill, it negates the whole compact.

That being said, I cannot support any of the bills connected with the Great Lakes Compact (HBs 5065-5073 and SBs 858-860, 721, 723, 725-729). Currently, Michigan has the authority to decide how much water is utilized, removed, or diverted in the Great Lakes Basin. It can decide how much water each of its citizen’s, municipalities, and industries such as farmers, manufactures, and other job providers use in their course of business. Every other state around us is limited in what they can and cannot do according to the percentage of that state’s or province’s territory that borders the Great Lakes Basin. Michigan is considered a 99% border basin, with the next closest state bordering at only 40%. Why would we want to relinquish our right and ability to utilize one of Michigan’s greatest resources at a time in which the auto industry is faltering and Michigan’s economy is in the basement?”

Rep. Tobocman moved that the bill be given immediate effect.

The question being on the motion made by Rep. Tobocman,

Rep. Schuitmaker demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Tobocman,

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 431 Yeas—61

Accavitti Dean Johnson Rocca

Angerer Dillon Jones, Robert Sak

Bauer Donigan Lahti Scott

Bennett Ebli Law, Kathleen Sheltroun

Bieda Espinoza LeBlanc Simpson

Brandenburg Farrah Leland Smith, Alma

Brown Gaffney Lemmons Smith, Virgil

Byrnes Gillard Lindberg Spade

Byrum Gonzales Mayes Tobocman

Cheeks Griffin McDowell Vagnozzi

Clack Hammel Meadows Valentine

Clemente Hammon Meisner Ward

Condino Hood Melton Warren

Constan Hopgood Miller Wojno

Corriveau Jackson Polidori Young

Coulouris

Nays—46

Acciavatti Garfield Meekhof Pavlov

Agema Green Meltzer Pearce

Amos Hansen Moolenaar Proos

Ball Hildenbrand Moore Robertson

Booher Hoogendyk Moss Schuitmaker

Calley Horn Nitz Shaffer

Casperson Hune Nofs Sheen

Caswell Jones, Rick Opsommer Stahl

Caul Knollenberg Palmer Stakoe

Cushingberry LaJoy Palsrok Steil

Elsenheimer Law, David Pastor Walker

Emmons Marleau

In The Chair: Byrnes

Rep. Tobocman moved that House Committees be given leave to meet during the balance of today's session.

The motion prevailed.

By unanimous consent the House returned to the order of