

No. 21
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, March 12, 1997.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator John J.H. Schwarz.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Bennett—present
Berryman—present
Bouchard—present
Bullard—present
Byrum—present
Carl—present
Cherry—present
Cisky—present
Conroy—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present

Emmons—present
Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Koivisto—present
McManus—present
Miller—present
North—present
O'Brien—present
Peters—present
Posthumus—present

Rogers—present
Schuette—present
Schwarz—present
Shugars—present
A. Smith—present
V. Smith—present
Stallings—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senators Dingell, Schwarz, Peters, Cherry, Miller and Hart introduced

Senate Bill No. 301, entitled

A bill to amend 1979 PA 53, entitled "An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties," (MCL 752.791 to 752.797) by amending the title and by adding sections 8 and 9.

The bill was read a first and second time by title and referred to the Committee on Technology and Energy.

Senators Hoffman, Gast and Schwarz introduced

Senate Bill No. 302, entitled

A bill to make appropriations for the state transportation department for the fiscal year ending September 30, 1997; to adjust certain appropriations for the fiscal year ending September 30, 1997; and to provide for the expenditure of the appropriations.

The bill was read a first and second time by title and referred to the Committee on Appropriations.

Senators Hoffman, Shugars, Bullard, Carl and Geake introduced

Senate Bill No. 303, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal certain acts and parts of acts," by amending sections 10, 11, 11c, 12, 13, and 15 (MCL 247.660, 247.661, 247.661c, 247.662, 247.663, and 247.665), sections 10, 11, 11c, 12, and 13 as amended by 1993 PA 294 and section 15 as amended by 1982 PA 438, and by adding section 1g.

The bill was read a first and second time by title and referred to the Committee on Appropriations.

House Bill No. 4214, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 520 and 522 (MCL 206.520 and 206.522), section 520 as amended by 1995 PA 245 and section 522 as amended by 1996 PA 484.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Finance.

By unanimous consent the Senate returned to the order of

Messages from the Governor

The following messages from the Governor were received and read:

March 11, 1997

Please be advised of the following appointments to office, subject to the advice and consent of the Michigan Senate:

Director of the Office of Services to the Aging

Mrs. Lynn Alexander, 7368 Deep Run, Bloomfield Hills, Michigan 48301, county of Oakland, as the Director, effective March 24, 1997, succeeding Ms. Carol M. Parr of Lansing, whose has resigned, for a term expiring at the pleasure of the Governor.

March 11, 1997

Please be advised of the following appointment to office, subject to the advice and consent of the Michigan Senate:

Executive Director of the Women's Commission

Mrs. Katherine J. DeGrow, 902 Raeburn Road, Eaton Rapids, Michigan 48827, county of Eaton, as Executive Director, effective April 7, 1997, succeeding Ms. Sharon R. Miller of Texas, who has resigned, for a term expiring at the pleasure of the Governor.

March 11, 1997

There are herewith presented for consideration and confirmation by the Senate, the following appointment and reappointment to office:

Michigan Board of Osteopathic Medicine and Surgery

Dr. Ronald L. Rhule, 6327 Skyline Drive, East Lansing, Michigan 48823, county of Ingham, as a member representing professionals, succeeding Dr. Eugene A. Oliveri of Southfield, whose term has expired, for a term expiring on December 31, 2000.

Ms. Patricia A. LaBelle, 741 Birchwood, Traverse City, Michigan 48430, county of Grand Traverse, as a member representing the general public, succeeding herself, whose term has expired, for a term expiring on December 31, 2000.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Senator Posthumus entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator DeGrow moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Binsfeld, designated Senator Emmons as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Binsfeld, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 5, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11151 (MCL 324.11151).

The bill was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 19, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 32312a.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 21, entitled

A bill to define certain crimes against prenatal children; to define and allow certain practices; and to prescribe certain penalties.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 57, entitled

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 42 (MCL 800.42), as added by 1989 PA 168.

Substitute (S-8).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 51, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40113a (MCL 324.40113a), as added by 1996 PA 377.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

During the Committee of the Whole, Senators Bennett, Gast, Schuette and Carl entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 188, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 43b.

The question being on the passage of the bill,

Senator V. Smith offered the following amendment:

- 1. Amend page 1, line 5, by striking out “\$1,000.00” and inserting “\$5,000.00”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator V. Smith offered the following amendment:

- 1. Amend page 1, line 5, by striking out “\$1,000.00” and inserting “\$3,000.00”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 39

Yeas—17

Berryman	Dingell	O’Brien	Smith, V.
Byrum	Hart	Peters	Stallings
Cherry	Koivisto	Schwarz	Vaughn
Conroy	Miller	Smith, A.	Young
DeBeaussaert			

Nays—21

Bennett	Dunaskiss	Hoffman	Schuette
Bouchard	Emmons	McManus	Shugars
Bullard	Gast	North	Steil
Carl	Geake	Posthumus	Stille
Cisky	Gougeon	Rogers	Van Regenmorter
DeGrow			

Excused—0

Not Voting—0

In The Chair: President

Senator A. Smith offered the following amendments:

1. Amend page 1, line 1, after "(1)" by inserting "EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)."
2. Amend page 1, following line 11, by inserting:

"(2) THE LIABILITY IMPOSED UNDER SUBSECTION (1) DOES NOT APPLY IF THE INDIVIDUAL WHO IS RECEIVING, OR HAS RECEIVED, THE CASH ASSISTANCE IS OR WAS REQUIRED TO BE EMPLOYED AS A CONDITION OF RECEIVING THE CASH ASSISTANCE AND THE INDIVIDUAL IS OR WAS IN COMPLIANCE WITH THAT REQUIREMENT." and renumbering the remaining subsections.

3. Amend page 2, line 24, after "SUBSECTIONS" by striking out "(2) AND (3)" and inserting "(3) AND (4)".

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator A. Smith requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 40

Yeas—17

Berryman	DeBeaussaert	Miller	Smith, V.
Byrum	Dingell	O'Brien	Stallings
Cherry	Hart	Peters	Vaughn
Cisky	Koivisto	Smith, A.	Young
Conroy			

Nays—21

Bennett	Emmons	McManus	Schwarz
Bouchard	Gast	North	Shugars
Bullard	Geake	Posthumus	Steil
Carl	Gougeon	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss			

Excused—0

Not Voting—0

In The Chair: President

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 41

Yeas—30

Bennett	DeBeaussaert	Hoffman	Rogers
Bouchard	DeGrow	Koivisto	Schuette
Bullard	Dingell	McManus	Schwarz
Byrum	Dunaskiss	Miller	Shugars
Carl	Emmons	North	Steil
Cherry	Gast	Peters	Stille
Cisky	Geake	Posthumus	Van Regenmorter
Conroy	Gougeon		

Nays—8

Berryman	O'Brien	Smith, V.	Vaughn
Hart	Smith, A.	Stallings	Young

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator A. Smith, under her constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 188 and moved that the statements she made during the discussion of the amendment she offered be printed as her reasons for voting “no.”

The motion prevailed.

Senator A. Smith’s first statement is as follows:

This amendment essentially says that if an individual is lucky enough to have a lottery winning, and is in compliance with the department’s work regulations, either the year before or the current year, they would not be subject to the liability under this bill. I talked about this on General Orders and the fact that we have in this state and nation, a paradigm shift on welfare. We are encouraging people to go from welfare to work. When they do work and continue to receive certain benefits, they are fulfilling that social contract that we, the state, have put forward for them. To penalize them for doing work and being lucky enough to win a lottery, seems to be an extraordinarily punitive measure. I urge your support for the amendment.

Senator A. Smith’s second statement is as follows:

I don’t believe the amendment is vague. I believe the amendment is very clear and it is perfectly within the department’s ability to determine who is in compliance with the work requirements. That is what they are supposed to review on a regular basis in order to kick them off of general assistance or welfare, if they are not complying with the work requirement. So I don’t think there is anything vague about this. The individuals who would be exempted from liability are very well defined. The other point the Senator raised in objection to this amendment, is these are people who are receiving tax dollars. You know, a lot of people in the state of Michigan receive tax dollars from taxpayers who are not on welfare. We have a tremendous amount of corporate support from the tax dollars. We have farmer subsidies from tax dollars, and we have a lot of use of the citizens’ tax dollars going to individuals in the state. I guess if we are going to be fair, we ought to be attaching any winnings of those individuals as well. I urge your support for the amendment.

Senators Shugars, North, Bennett, Dunaskiss, Bullard, Stille, Steil, Schuette, McManus and Hoffman moved that they be named co-sponsors of the following bill:

Senate Bill No. 188

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 193, entitled

A bill to amend 1972 PA 239, entitled “McCauley-Traxler-Law-Bowman-McNeely lottery act,” by amending section 32 (MCL 432.32), as amended by 1996 PA 13.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 42

Yeas—30

Bennett	DeBeaussaert	Hoffman	Rogers
Bouchard	DeGrow	Koivisto	Schuette
Bullard	Dingell	McManus	Schwarz
Byrum	Dunaskiss	Miller	Shugars
Carl	Emmons	North	Steil

Cherry
Cisky
Conroy

Gast
Geake
Gougeon

Peters
Posthumus

Stille
Van Regenmorter

Nays—8

Berryman
Hart

O'Brien
Smith, A.

Smith, V.
Stallings

Vaughn
Young

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Shugars, Bennett, Bullard and McManus moved that they be named co-sponsors of the following bill:

Senate Bill No. 193

The motion prevailed.

Resolutions

House Concurrent Resolution No. 11.

A concurrent resolution to urge the United States Environmental Protection Agency to reaffirm certain standards of ozone and particulate levels.

Whereas, The United States Environmental Protection Agency (EPA) has a responsibility to review periodically the National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter (PM); and

Whereas, The EPA is considering establishing a more stringent ozone standard and a new, more stringent standard for particulate matter at or below 2.5 microns (PM_{2.5}); and

Whereas, Michigan, through its local jurisdictions, businesses, and citizens, has supported health-based National Ambient Air Quality Standards (NAAQS) that are premised on sound science; and

Whereas, Michigan has made significant progress in meeting current NAAQS for both ozone and particulate matter (PM) under the Clean Air Act amendments of 1990, although there are some areas that have not yet come into compliance with the current standard(s); and

Whereas, Michigan, through its local jurisdictions, businesses, consumers, and taxpayers, has borne considerable cost to come into compliance with the current NAAQS for ozone and particulate matter; and

Whereas, The proposed new standards will significantly expand the number of nonattainment areas for both ozone and particulate matter. This may result in additional emission controls in all areas, thus imposing significant economic, administrative, and regulatory burdens on Michigan, its citizens, businesses, and local governments; and

Whereas, EPA's own Clean Air Science Advisory Committee (CASAC) was unable to find any "bright line" that would distinguish any public health benefit among any of the proposed new standards for ozone, including the current standard; and

Whereas, There is very little existing PM_{2.5} monitoring data; and

Whereas, There are many unanswered questions and scientific uncertainties regarding the health effects of particulate matter, in particular PM_{2.5}, including:

- Divergent opinions among scientists who have investigated the issue;
- Exposure misclassification;
- Measurement errors;
- Lack of supporting toxicological data;
- Lack of a plausible toxicological mechanism;
- Lack of correlation between recorded PM levels and public health effects;
- Influence of other variables; and
- The existence of possible alternative explanations; and

Whereas, No scientific proof exists that establishing a more stringent ozone standard or a new, more stringent PM2.5 standard would avoid alleged adverse health, but it would assuredly impose significantly higher costs; now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we advise and strongly urge the EPA to reaffirm the existing NAAQS for ozone; and be it further

Resolved, That we advise and strongly urge the EPA to reaffirm the existing NAAQS for PM10; and be it further

Resolved, That we advise and strongly urge the EPA to refrain from establishing a new NAAQS for PM2.5 at this time and to gather the necessary PM2.5 monitoring data and conduct all necessary research needed to address the issue of causality and other critical and important unanswered scientific questions concerning PM2.5; and be it further

Resolved, That we advise and strongly urge the EPA to identify any unfunded mandates or other administrative and economic burdens for state or local governments or agencies that would result from the proposed changes to the NAAQS for ozone and particulate matter; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the administrator of the United States Environmental Protection Agency, and other appropriate administration officials.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator DeGrow moved that further consideration of the concurrent resolution be postponed temporarily.

The motion prevailed.

Senate Resolution No. 22.

A resolution to urge the United States Environmental Protection Agency to reaffirm certain standards of ozone and particulate levels.

The question being on the adoption of the resolution,

Senator DeBeaussaert offered the following amendments:

1. Amend the tenth Whereas clause, page 2, line 4, after "costs;" by inserting "and

Whereas, The EPA estimates that their proposed standard for PM 2.5 will prevent 20,000 premature deaths annually across the country; and

Whereas, Scientists on the Clean Air Science Advisory Committee (CASAC) panel voted 19-2 that some new standard should be set to regulate PM 2.5;"

2. Amend the third Resolving clause, page 2, line 1, after "to" by striking out the balance of the line through "and" on line 2 and inserting "establish a PM 2.5 standard based on the best available science and supported by a preponderance of the evidence, at a level in which the benefits will far outweigh the costs, but continue".

The question being on the adoption of the amendments,

Senator Bennett offered the following amendments to the amendments:

1. Amend Senator DeBeaussaert's Amendment No. 1, tenth Whereas clause, page 2, line 4, after "EPA" by striking out the balance of the line clause and inserting "and its Clean Air Science Advisory Committee have raised issues relative to serious health concerns that may be addressed with a new PM 2.5 standard; and".

2. Amend Senator DeBeaussaert's Amendment No. 2, third Resolving clause, page 2, line 1, by striking out "establish a PM 2.5 standard based on the best available science and supported by a preponderance of the evidence, at a level in which the benefits will far outweigh the costs, but continue" and inserting "continue to work to establish a clear consensus among its own Science Advisory Committee for the level of a PM 2.5 standard at a level at which the benefits outweigh the costs and to continue".

The question being on the adoption of the amendments to the amendments,

Senator DeBeaussaert requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were adopted, a majority of the members voting therefor, as follows:

Roll Call No. 43

Yeas—24

Bennett
Bouchard
Bullard

Dingell
Dunaskiss
Emmons

Hoffman
McManus
Miller

Schuette
Schwarz
Shugars

Carl
Cisky
DeGrow

Gast
Geake
Gougeon

North
Posthumus
Rogers

Steil
Stille
Van Regenmorter

Nays—14

Berryman
Byrum
Cherry
Conroy

DeBeaussaert
Hart
Koivisto
O'Brien

Peters
Smith, A.
Smith, V.

Stallings
Vaughn
Young

Excused—0

Not Voting—0

In The Chair: President

The amendments, as amended, were adopted.

Senator Van Regenmorter offered the following amendment:

1. Amend the tenth Whereas clause, page 2, line 4, after "costs;" by inserting "and Whereas, the issue of transported volatile organic compounds is not adequately addressed;".

The amendment was adopted.

The question being on the adoption of the resolution,

Senator Bennett requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The resolution was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 44

Yeas—25

Bennett
Bouchard
Bullard
Byrum
Carl
Cisky
DeGrow

Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon

Hoffman
Koivisto
McManus
North
Posthumus
Rogers

Schuette
Schwarz
Shugars
Steil
Stille
Van Regenmorter

Nays—13

Berryman
Cherry
Conroy
DeBeaussaert

Hart
Miller
O'Brien

Peters
Smith, A.
Smith, V.

Stallings
Vaughn
Young

Excused—0

Not Voting—0

In The Chair: President

By unanimous consent the Senate returned to consideration of the following resolution:

House Concurrent Resolution No. 11.

A concurrent resolution to urge the United States Environmental Protection Agency to reaffirm certain standards of ozone and particulate levels.

(This concurrent resolution was received from the House earlier today, rule 3.204 suspended and consideration postponed. See p. 248.)

The question being on the adoption of the concurrent resolution,

Senator Van Regenmorter offered the following amendment:

1. Amend the tenth Whereas clause, page 2, line 4, after “costs;” by inserting “and

Whereas, the issue of transported volatile organic compounds is not adequately addressed;”.

The amendment was adopted.

The question being on the adoption of the concurrent resolution,

Senator Bennett requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The concurrent resolution was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 45

Yeas—26

Bennett	Dingell	Koivisto	Schuette
Bouchard	Dunaskiss	McManus	Schwarz
Bullard	Emmons	Miller	Shugars
Byrum	Gast	North	Steil
Carl	Geake	Posthumus	Stille
Cisky	Gougeon	Rogers	Van Regenmorter
DeGrow	Hoffman		

Nays—12

Berryman	DeBeaussaert	Peters	Stallings
Cherry	Hart	Smith, A.	Vaughn
Conroy	O'Brien	Smith, V.	Young

Excused—0

Not Voting—0

In The Chair: President

Senator Young was named co-sponsor of the concurrent resolution.

Protests

Senators DeBeaussaert, Peters, A. Smith, Conroy and Berryman, under their constitutional right of protest (Art. IV, Sec. 18), protested against the adoption of Senate Resolution No. 22 and House Concurrent Resolution No. 11.

Senator DeBeaussaert moved that the statements he made during the discussion of the amendments he offered be printed as his reasons for voting “no.”

The motion prevailed.

Senator DeBeaussaert's first statement, in which Senators Peters, A. Smith on Senate Resolution No. 22, Conroy and Berryman concurred, is as follows:

This is the resolution that would deal with the E.P.A. proposals relative to the Clean Air Act. This amendment that I have offered addresses what I think is a major flaw in the resolution as it was drafted and presented before us. It seems to me that all the discussion, the debate and the opposition—or at least a good part of it—that we have heard has been from those who have argued that our decisions in this area should be based on sound science. It should be

noted that before any standard is set by the E.P.A., they bring together a panel of scientists. It is a group called CASAC. It stands for the Clean Air Science Advisory Committee. They review the scientific studies and they make recommendations as they did in this case. Well, the CASAC group by a vote of 19 to two; I should mention that this CASAC panel includes scientists from a variety of backgrounds and includes a number of scientists with business perspectives; that panel, again by a 19 to two vote, suggested that the E.P.A. establish a new standard for particulate matter 2.5. It is true that they could not agree on what the standard should be, but they did agree that a standard should be set due to adverse health and human exposure problems from the current levels.

So my amendment to this resolution reaches the same conclusion that the advisory committee reached—that a new standard should be set based on sound science at a level in which the benefits would far outweigh the costs, so that we can then establish a standard, through the E.P.A., that will in fact protect the public health. The resolution that we have before us recommends that no standard be set for PM 2.5 and that is directly contrary to the scientists almost unanimous recommendation. It is important to note that the E.P.A. cites studies in its estimates that the current level of exposure is causing 40,000 premature deaths a year, mainly senior citizens and people with respiratory problems. I do not think that we should ignore the scientists and I do not think we should ignore the tremendous human health costs that are involved in this issue. We should consider that in this resolution and that is why I would ask that my amendment be adopted.

Senator DeBeaussaert's second statement, in which Senators Peters, A. Smith on Senate Resolution No. 22, Conroy and Berryman concurred, is as follows:

I thank the Secretary for that clarification, because it is a very important distinction to make. The problem with the amendment to the amendment is that it continues to ignore the fact that there already is a consensus among the scientific community, at least as expressed by the Clean Air Science Advisory Committee—the CASAC group. It is a 19 to two vote that there should be a new standard and it should be established. They could not agree on what the standard should be. That is what my amendment suggests, that there should be a new standard and it should be developed. I think that the amendment does not make that clear. It does not recognize that there is already a clear consensus in the scientific community demonstrated through that panel and I would oppose the amendments to the amendment.

Senator DeBeaussaert's third statement, in which Senators Peters, A. Smith on Senate Resolution No. 22, Conroy and Berryman concurred, is as follows:

I intend to vote against this resolution. Not because I would argue in favor of the E.P.A. proposal. I think there are serious concerns about that proposal that the scientific committee and others have raised that deserve much more deliberation before I could endorse their call for the standards that they have established. I think that the call for sound science in this debate and through these arguments is a valid and important one. It is a serious issue of public health concern and it is a serious economic issue. We should be basing our discussion or determinations on sound science, but it seems that there are some who would follow that call for sound science until the scientific community says something that they may not want to hear.

In this case the CASAC group, the science advisors on this clean air act, have clearly said that the standards for particulate matter should be changed—that there should be a new standard. They cannot agree on what that new standard should be, but they believe the current standard is inadequate. That is what I tried to fix through the amendment that I offered. The language that now is before us does not really address that concern, that the scientific community believes that a new standard should be established. It does not state that as clearly here as I feel should be stated. So, in light of that, in light of the scientific arguments in favor of a specific standard being established and the lack of an endorsement of that approach in this resolution, I intend to vote "no."

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Senate Fiscal Agency Board of Governors submits the following:
Meeting held on Wednesday, February 26, 1997, at 12:00 Noon, Elijah Myers Room, Capitol Building
Present: Senators McManus, Emmons, Schwarz and Conroy

COMMITTEE ATTENDANCE REPORT

The Committee on Crime Classification, Michigan Sentencing Commission, submits the following:
Meeting held on Thursday, March 6, 1997, at 5:00 p.m., 6820 South Cedar Street, Holiday Inn South, Ballroom G, Lansing, Michigan
Present: Senator Dingell

COMMITTEE ATTENDANCE REPORT

The Michigan Sentencing Commission submits the following:
Meeting held on Thursday, March 6, 1997, at 7:00 p.m., 6820 South Cedar Street, Holiday Inn South, Ballroom G, Lansing, Michigan
Present: Senator Dingell
Excused: Senators Cisky, Van Regenmorter and V. Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Offense Variable/Prior Record, Michigan Sentencing Commission, submits the following:
Meeting held on Friday, March 7, 1997, at 8:15 a.m., 6820 South Cedar Street, Holiday Inn South, Ballroom G, Lansing, Michigan
Excused: Senators Van Regenmorter and V. Smith

COMMITTEE ATTENDANCE REPORT

The Michigan Sentencing Commission submits the following:
Meeting held on Friday, March 7, 1997, at 9:30 a.m., 6820 South Cedar Street, Holiday Inn South, University Room A, Lansing, Michigan
Present: Senator Dingell
Excused: Senators Cisky, Van Regenmorter and V. Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:
Public hearing held on Friday, March 7, 1997, at 1:00 p.m., 400 Boardman, Commission Chambers, Governmental Center, Traverse City, Michigan
Present: Senator Gougeon
Excused: Senators Bouchard, Geake, V. Smith and Peters

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:
Public hearing held on Monday, March 10, 1997, at 10:00 a.m., 7400 Bay Road, Curtiss Hall, Rooms D and E, Saginaw Valley State University, Saginaw, Michigan
Present: Senators Gougeon and Geake
Excused: Senators Bouchard, V. Smith and Peters

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Senior Citizens submits the following:
Meeting held on Monday, March 10, 1997, at 11:00 a.m., 45175 West Ten Mile Road, Novi City Hall, City Council Chamber, Novi, Michigan
Present: Senators Shugars, Bullard, and Byrum
Excused: Senators Schwarz and O'Brien

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submits the following:
Meeting held on Tuesday, March 11, 1997, at 11:20 a.m., Senate Appropriations Room, Capitol Building
Present: Senators Hoffman, DeGrow and O'Brien

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Public hearing held on Tuesday, March 11, 1997, at 1:15 p.m., Room 810, Farnum Building

Present: Senators Emmons, Carl, Shugars, Peters and Stallings

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 11:39 a.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Thursday, March 13, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.