

No. 13
STATE OF MICHIGAN
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Senate Chamber, Lansing, Wednesday, February 11, 2004.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Patricia L. Birkholz.

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

Allen—present
Barcia—present
Basham—present
Bernero—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Emerson—present
Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

Olshove—present
Patterson—present
Prusi—present
Sanborn—present
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present

Senator Tony Stamas of the 36th District offered the following invocation:

Lord, we thank You for this day. We thank You for Your blessings, Lord. We thank You for the opportunity to serve the citizens of this great state. Lord, we pray that You will give us wisdom that we might serve with compassion; Lord, that we might make decisions that are sound; Lord, decisions, Lord, that will help the betterment of the entire state and our nation. Lord, we just pray that You will help us to work together, Lord. We pray that You will give us guidance in all that we do. I pray this in You name. Amen.

The President pro tempore, Senator Birkholz, led the members of the Senate in recital of the *Pledge of Allegiance*.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:05 a.m.

11:24 a.m.

The Senate was called to order by the President pro tempore, Senator Birkholz.

During the recess, Senators Allen, Cropsey, Gilbert, Garcia, Cassis, Toy, Jelinek, Hardiman, Brown, Bishop, Van Woerkom, Johnson, Sanborn, Patterson, George, Kuipers, McManus, Goschka and Sikkema entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 10:
House Bill Nos. 4638 4900 5003 5134

The Secretary announced that the following official bill was printed on Tuesday, February 10, and is available at the legislative Web site:

Senate Bill No. 962

By unanimous consent the Senate proceeded to the order of
Messages from the House

Senator Hammerstrom moved that consideration of the following bills be postponed for today:

Senate Bill No. 506
Senate Bill No. 557
Senate Bill No. 806
Senate Bill No. 502
Senate Bill No. 57
Senate Bill No. 497
Senate Bill No. 498
Senate Bill No. 499
Senate Bill No. 500
Senate Bill No. 715

The motion prevailed.

Senate Bill No. 826, entitled

A bill to repeal 1903 LA 540, entitled "An act to establish a board of county auditors for the county of Saginaw and to prescribe their powers and duties."

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

Senator Hammerstrom 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 pro tempore, Senator Birkholz, designated Senator Cherry as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4276, entitled

A bill to establish Holocaust remembrance week in the state of Michigan.

House Bill No. 5009, entitled

A bill to amend 1953 PA 192, entitled "An act to create a county department of veterans' affairs in certain counties, and to prescribe its powers and duties; and to transfer the powers and duties of the soldiers' relief commission in such counties," by amending section 1 (MCL 35.621), as amended by 1996 PA 108.

House Bill No. 5179, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 662 (MCL 168.662), as amended by 1999 PA 216.

The bills were 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. 727, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7b (MCL 722.22 and 722.27b), section 2 as amended by 2002 PA 9 and section 7b as amended by 1996 PA 19.

Substitute (S-2).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 6, line 7, after "(6)" by inserting "**If 2 fit parents sign an affidavit stating that they both oppose an order for grandparenting time, the court shall dismiss the complaint or motion seeking an order for grandparenting time.**

(7)" and renumbering the remaining subsections.

2. Amend page 8, line 27, after "**subsections**" by striking out "**(6), (7), and (11)**" and inserting "**(7), (8), and (12)**".

The Senate agreed to the substitute, as amended, 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:

House Bill No. 4463, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811q.

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 amendments, the following bill:

House Bill No. 5183, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 18e.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 1, line 6, after "**developing**" by striking out the balance of the line through "**within**" on line 7 and inserting "**and annually reviewing**".

2. Amend page 2, line 1, after "**care**," by striking out "**and**".

3. Amend page 2, line 2, after "**care**" by inserting a comma and "**and adults previously in foster care or independent living programs**".

The Senate agreed to the amendments recommended by the Committee of the Whole, and the bill as amended 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:
House Bill No. 4720, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 263 (MCL 18.1263).
 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 amendments, the following bill:

House Bill No. 4722, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 623a and 1274 (MCL 380.623a and 380.1274), section 623a as amended by 1990 PA 159 and section 1274 as amended by 1994 PA 416.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 1, line 7, by striking out “\$12,500.00” and inserting “**\$17,932.00**”.
2. Amend page 2, line 20, by striking out “\$12,500.00” and inserting “**\$17,932.00**”.

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

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 727

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

The following bill was read a third time:

Senate Bill No. 727, entitled

A bill to amend 1970 PA 91, entitled “Child custody act of 1970,” by amending sections 2 and 7b (MCL 722.22 and 722.27b), section 2 as amended by 2002 PA 9 and section 7b as amended by 1996 PA 19.

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. 35

Yeas—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 774, entitled

A bill to amend 1986 PA 281, entitled “The local development financing act,” by amending section 21a (MCL 125.2162a), as amended by 2002 PA 575.

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. 36

Yeas—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senator Schauer moved that Senator Emerson be temporarily excused from the balance of today’s session.
The motion prevailed.

The following bill was read a third time:

Senate Bill No. 653, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 20129a (MCL 324.20129a), as amended by 1999 PA 30.

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. 37

Yeas—37

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas

Brown
Cassis
Cherry

Hammerstrom
Hardiman

Patterson
Prusi

Toy
Van Woerkom

Nays—0

Excused—1

Emerson

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 862, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 31a.

The question being on the passage of the bill,

Senator Sanborn offered the following substitute:

Substitute (S-3).

The substitute was adopted, a majority of the members serving voting therefor.

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. 38

Yeas—37

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Clark-Coleman
Clarke
Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Emerson

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 863, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 51f.

The question being on the passage of the bill,

Senator Sanborn offered the following substitute:

Substitute (S-2).

The substitute was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

Senator Schauer moved that further consideration of the bill be postponed temporarily.

The motion did not prevail.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 12:03 p.m.

12:09 p.m.

The Senate was called to order by the President pro tempore, Senator Birkholz.

During the recess, Senator Emerson entered the Senate Chamber.

The question being on the passage of the bill,

Senator Hammerstrom moved to reconsider the vote by which the substitute offered by Senator Sanborn was adopted.

The motion prevailed.

The question being on the adoption of the substitute,

Senator Jacobs offered the following amendment to the substitute:

1. Amend page 2, line 7, after "years." by inserting "If a qualified start-up business leaves this state within 3 years after the expiration of the credit prescribed in this section, the qualified start-up business is liable for that proportional amount of the credit received under this section."

The amendment to the substitute was adopted.

The substitute, as amended, was adopted, a majority of the members serving voting therefor.

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. 39

Yeas—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 865, entitled

A bill to amend 1953 PA 189, entitled “An act to provide for the taxation of lessees and users of tax-exempt property,” (MCL 211.181 to 211.182) by adding section 1a.

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. 40**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0**Excused—0****Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 867, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 51105 (MCL 324.51105), as amended by 1996 PA 451.

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—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer

Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 868, entitled

A bill to amend 1985 PA 224, entitled “Enterprise zone act,” by amending section 21c (MCL 125.2121c), as amended by 1998 PA 242.

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—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 870, entitled

A bill to amend 2000 PA 146, entitled “Obsolete property rehabilitation act,” by amending section 10 (MCL 125.2790).

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. 43

Yeas—38

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 871, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 9 (MCL 207.779), as amended by 2003 PA 127.

The question being on the passage of the bill,

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 12:21 p.m.

12:36 p.m.

The Senate was called to order by the President pro tempore, Senator Birkholz.

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. 44**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0**Excused—0****Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 872, entitled

A bill to amend 1984 PA 385, entitled "Technology park development act," by amending section 12 (MCL 207.712), as amended by 1996 PA 445.

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. 45**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0**Excused—0**

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 875, entitled

A bill to amend 1990 PA 100, entitled “City utility users tax act,” by amending section 5 of chapter 1 (MCL 141.1155), as amended by 1998 PA 241.

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. 46**Yeas—36**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Birkholz	Emerson	Johnson	Scott
Bishop	Garcia	Kuipers	Sikkema
Brater	George	Leland	Stamas
Brown	Gilbert	McManus	Switalski
Cassis	Goschka	Olshove	Toy
Cherry	Hammerstrom	Patterson	Van Woerkom

Nays—1

Thomas

Excused—0**Not Voting—1**

Bernero

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 866, entitled

A bill to amend 1964 PA 284, entitled “City income tax act,” (MCL 141.501 to 141.787) by adding section 35a to chapter 2.

The question being on the passage of the bill,

Senator Scott offered the following amendments:

1. Amend page 1, line 2, after “(1)” by striking out “For” and inserting “If the city that imposes the tax under this act approves the credit under this section by a resolution adopted by the governing body of the city, for”.

2. Amend page 2, following line 6, by inserting:

“(3) If a qualified start-up business leaves this state within 3 years after the expiration of the credit prescribed in this section, the qualified start-up business is liable for that proportional amount of the credit received under this section.” and renumbering the remaining subsections.

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

Senator Schauer 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. 47**Yeas—14**

Barcia	Clark-Coleman	Leland	Schauer
Bernero	Clarke	Olshove	Scott
Brater	Emerson	Prusi	Thomas
Cherry	Jacobs		

Nays—24

Allen	Cropsey	Hardiman	Sanborn
Basham	Garcia	Jelinek	Sikkema
Birkholz	George	Johnson	Stamas
Bishop	Gilbert	Kuipers	Switalski
Brown	Goschka	McManus	Toy
Cassisi	Hammerstrom	Patterson	Van Woerkom

Excused—0**Not Voting—0**

In The Chair: Birkholz

Senator Brown offered the following amendment:

1. Amend page 2, following line 6, by inserting:

“(3) If a qualified start-up business leaves this state within 36 months after the expiration of the credit prescribed in this section, the qualified start-up business is liable for that proportional amount of the credit received under this section.” and renumbering the remaining subsections.

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

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. 48**Yeas—32**

Allen	Cherry	Hardiman	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Sikkema
Bernero	Garcia	Kuipers	Stamas
Birkholz	George	McManus	Switalski
Bishop	Gilbert	Olshove	Thomas

Brown
Cassis

Goschka
Hammerstrom

Patterson
Prusi

Toy
Van Woerkom

Nays—6

Brater
Clark-Coleman

Emerson
Jacobs

Leland

Scott

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senator Schauer asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Schauer's statement is as follows:

I rise in support of the amendment. I first want to state my reason for supporting this amendment. I have a couple of municipalities in my district that have a local income tax. Since we are affecting this local tax, I think there is a local control issue here. I am a former Battle Creek city commissioner, and I can't remember ever opposing a PA 198 abatement that came before me as a city commissioner. Now, it was important that as a city commissioner I had that ability to determine whether that was appropriate for my municipality to adopt that or not. That community and others that I represent are very committed to job creation. I go home every night, and I talk to my local officials.

In fact, last Friday, Don Jakeway, the CEO of the MEDC, visited Jackson, Albion, Marshall, and Battle Creek. In talking to local economic developers, believe me, they are very concerned about jobs. I am not worried that they would not use sound judgment in making that decision.

Now I want to go to one other substantive matter that really, I think, is involved with all of these bills. Madam President, through you to the previous speaker, he seems to be using this same language that is in press releases and on websites. I think it is important for us to know what we are doing. He talked a moment ago about new small start-ups, or small new start-ups, and the definition in the bill says nothing about it being a new business. A start-up is a—we sort of defined start-up by using the word "start-up." We tried to fix it here today in this chamber, and I guess we are not going to do that. We are going to leave it up to the House to try to fix it.

A qualified start-up business would mean a business that has all of the following: fewer than twenty-five full-time employees, less than \$1 million in sales, research and development makes up at least 15 percent of its expenses, and it's not publicly traded. That's small, but it doesn't have to be new. So let's stop calling these new businesses if they are not necessarily new businesses.

Senator Hammerstrom moved that the following bill be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 864

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 864, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7hh. The question being on the passage of the bill,

Senator Brater offered the following amendments:

1. Amend page 1, line 1, after "(1)" by striking out the balance of the line through "(2)," on line 2 and inserting "**Subject to subsection (2) and except as otherwise provided in subsection (4), for**".

2. Amend page 1, following line 8, by inserting:

“(2) Except as otherwise provided in subsection (3), the exemption under this section is not available unless the local governmental unit in which the qualified start-up business is located approves the exemption by a resolution adopted by the governing body of the local governmental unit.

(3) The requirement for approval by the governing body of the local governmental unit under subsection (2) does not apply to taxes levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.” and renumbering the remaining subsections.

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

Senator Schauer 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. 49

Yeas—15

Barcia	Clark-Coleman	Jacobs	Schauer
Bernero	Clarke	Leland	Scott
Brater	Emerson	Olshove	Thomas
Cherry	George	Prusi	

Nays—23

Allen	Cropsey	Jelinek	Sikkema
Basham	Garcia	Johnson	Stamas
Birkholz	Gilbert	Kuipers	Switalski
Bishop	Goschka	McManus	Toy
Brown	Hammerstrom	Patterson	Van Woerkom
Cassis	Hardiman	Sanborn	

Excused—0

Not Voting—0

In The Chair: Birkholz

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. 50

Yeas—32

Allen	Cherry	Hardiman	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Sikkema
Bernero	Garcia	Kuipers	Stamas
Birkholz	George	McManus	Switalski
Bishop	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom

Nays—6Brater
Clark-ColemanEmerson
Jacobs

Leland

Scott

Excused—0**Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 703, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 80205 (MCL 324.80205), as added by 2000 PA 229; and to repeal acts and parts of acts.

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. 51**Yeas—38**Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis
CherryClark-Coleman
Clarke
Cropsey
Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom
HardimanJacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
PrusiSanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom**Nays—0****Excused—0****Not Voting—0**

In The Chair: Birkholz

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Switalski, Clark-Coleman and Scott introduced

Senate Bill No. 973, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending section 34 (MCL 791.234), as amended by 2002 PA 670.

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

House Bill No. 4638, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 951 (MCL 168.951), as amended by 1993 PA 45.

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 Government Operations.

House Bill No. 4900, entitled

A bill to amend 1959 PA 241, entitled "An act relating to the marking of containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing or other removal of such mark, and the filling, refilling, trafficking in or use of such containers without the authority of the owner; and to provide a penalty for the violation thereof," by amending sections 2 and 3 (MCL 429.112 and 429.113).

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 Economic Development, Small Business and Regulatory Reform.

House Bill No. 5003, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14d of chapter XVII (MCL 777.14d), as added by 2002 PA 29.

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 Judiciary.

House Bill No. 5134, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16276.

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 Health Policy.

Committee Reports

The Committee on Commerce and Labor reported

House Bill No. 5244, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 9b and 27 (MCL 211.9b and 211.27), section 9b as amended by 1994 PA 189 and section 27 as amended by 2002 PA 744.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Jason Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers, McManus, Schauer and Olshove

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, February 10, 2004, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Kuipers, McManus, Schauer and Olshove

The Committee on Transportation reported

Senate Resolution No. 211.

A resolution to recognize and commend railroads and the United Transportation Union operating in the state of Michigan for improving their safety and efficiency by taking advantage of the innovative technology used for remote-controlled locomotives.

(For text of resolution, see Senate Journal No. 11, p. 114.)

With the recommendation that the resolution be adopted.

Judson Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers and Goschka

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Transportation reported

Senate Bill No. 882, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710d (MCL 257.710d), as amended by 1999 PA 29.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 2, line 1, after "**driver,**" by inserting "**other than in a jump seat of a pickup,**".
2. Amend page 2, line 2, after "**seat.**" by inserting "**A child may be positioned in a child restraint system in a front seat if all rear seating positions are occupied by children in child restraint systems.**".

The committee further recommends that the bill be given immediate effect.

Judson Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, February 10, 2004, at 1:22 p.m., Room 100, Farnum Building

Present: Senators Gilbert (C), Kuipers, Goschka, Leland and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, February 10, 2004, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Cropsy (C), Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, February 10, 2004, at 3:15 p.m., Room 210, Farnum Building

Present: Senators Hardiman (C), Sanborn and Jacobs

Excused: Senators Hammerstrom and Clark-Coleman

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, February 10, 2004, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Van Woerkom, Brater and Basham

Excused: Senator Patterson

Scheduled Meetings**Appropriations** - Wednesday, February 18, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)**Subcommittees -****Community Health Department** - Thursdays, February 19, 2:00 p.m., Rooms 402 and 403, Capitol Building; February 26, March 4 and March 18, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

Higher Education - Fridays, February 20, 10:00 a.m., Oakland University, Rochester; February 27, 10:00 a.m., University of Michigan-Flint, Flint; March 5, 10:00 a.m., Cornerstone University, Grand Rapids; and March 12, 9:00 a.m., Lake Superior State University, Sault Ste. Marie (373-1760)

Judiciary and Corrections - Tuesdays, February 17, February 24, March 2, March 9 and March 16, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3760)

State Police and Military Affairs and House State Police/Military and Veterans Affairs - Thursday, February 26, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Appropriations, Joint Senate/House - Thursday, February 12, 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Banking and Financial Institutions - Thursday, February 12, 12:00 noon, Room 100, Farnum Building (373-2417)

Education - Thursday, February 12, 2:00 p.m., Room 210, Farnum Building (373-6920)

Local, Urban and State Affairs - Thursday, February 12, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 1:09 p.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Thursday, February 12, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

