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House Chamber, Lansing, Thursday, December 10, 2020.

12:00 Noon.

The House was called to order by the Clerk.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been reproduced and made available electronically on Wednesday, December 9:

House Bill Nos. 6508 6509

The Clerk announced that the following Senate bills had been received on Thursday, December 10:

Senate Bill Nos. 464 465 862 879 920 1102 1244 1246 1251 1252 1254

Messages from the Senate

House Bill No. 5054, entitled

A bill to amend 2014 PA 319, entitled "Sexual assault victim's access to justice act," by amending section 4 (MCL 752.954).

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5055, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15c of chapter IV (MCL 764.15c), as amended by 2001 PA 210.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5056, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 2a, 6, and 13a (MCL 780.752a, 780.756, and 780.763a), section 2a as added and section 13a as amended by 2006 PA 461 and section 6 as amended by 2005 PA 184.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5057, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 61b, 66, and 78a (MCL 780.811b, 780.816, and 780.828a), section 61b as added and section 78a as amended by 2006 PA 461 and section 66 as amended by 2000 PA 503.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5058, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 31a, 36, and 41a (MCL 780.781a, 780.786, and 780.791a), section 31a as added and section 41a as amended by 2006 PA 461 and section 36 as amended by 2000 PA 503.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5333, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 50501, 50502, and 50507 (MCL 324.50501, 324.50502, and 324.50507), sections 50501 and 50502 as amended by 2004 PA 124 and section 50507 as amended by 2018 PA 116.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 4694, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 2018 PA 482.

The Senate has substituted (S-6) the bill.

The Senate has passed the bill as substituted (S-6), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Senate Bill No. 73, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 40b, 307, 310, and 314 (MCL 257.40b, 257.307, 257.310, and 257.314), section 40b as amended by 2012 PA 498, section 307 as amended by 2018 PA 604, section 310 as amended by 2018 PA 177, and section 314 as amended by 2011 PA 159, and by adding section 310f.

The Senate has substituted (S-2) the House substitute (H-3).

The Senate has concurred in the House substitute (H-3) as substituted (S-2) and amended the title to read as follows:

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the

general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 40b, 216, 226, 233a, 255, 301, 306, 306a, 307, 309, 310, 312f, 312k, 314, and 801k (MCL 257.40b, 257.216, 257.226, 257.233a, 257.255, 257.301, 257.306, 257.306a, 257.307, 257.309, 257.310, 257.312f, 257.312k, 257.314, and 257.801k), section 40b as amended by 2012 PA 498, sections 216, 226, 255, 301, 306, 306a, 309, 312f, 312k, 314, and 801k as amended by 2020 PA 241, section 233a as amended by 2000 PA 82, section 307 as amended by 2018 PA 604, and section 310 as amended by 2020 PA 93, and by adding section 310f.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Senate Bill No. 74, entitled

A bill to amend 2008 PA 23, entitled “An act to authorize the secretary of state to issue enhanced driver licenses and state personal identification cards to United States citizens who reside in Michigan to facilitate travel between the United States and Canada; to establish certain funds and prescribe duties for certain officials; and to prohibit certain conduct and prescribe penalties,” by amending section 4 (MCL 28.304), as amended by 2020 PA 243.

The Senate has substituted (S-1) the House substitute (H-3).

The Senate has concurred in the House substitute (H-3) as substituted (S-1) and agreed to the title as amended.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Senate Bill No. 75, entitled

A bill to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending sections 1, 1a, and 2 (MCL 28.291, 28.291a, and 28.292), section 1 as amended by 2020 PA 92, section 1a as amended by 2008 PA 31, and section 2 as amended by 2020 PA 242, and by adding section 2a.

The Senate has substituted (S-2) the House substitute (H-4).

The Senate has concurred in the House substitute (H-4) as substituted (S-2) and agreed to the title as amended.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Senate Bill No. 464, entitled

A bill to require financial institutions to report financial exploitation of their customers or members; to allow financial institutions to freeze customer or member transactions or assets under certain circumstances; to provide immunity from criminal, civil, or administrative liability to financial institutions for actions taken in good faith under this act; and to provide for the powers and duties of certain governmental officers and entities.

The Senate has passed the bill.

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

Senate Bill No. 465, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 11b (MCL 400.11b), as amended by 2012 PA 175.

The Senate has passed the bill.

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

Senate Bill No. 862, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 11d (MCL 400.11d), as added by 1982 PA 519.

The Senate has passed the bill.

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

Senate Bill No. 879, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3406o (MCL 500.3406o), as amended by 2016 PA 276, and by adding section 3406w.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Government Operations.

Senate Bill No. 920, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17713.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Government Operations.

Senate Bill No. 1102, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 691 (MCL 206.691), as amended by 2014 PA 14.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Ways and Means.

Senate Bill No. 1244, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 8 (MCL 691.1408), as amended by 2002 PA 400.

The Senate has passed the bill.

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

Senate Bill No. 1246, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending sections 3 and 3a (MCL 15.263 and 15.263a), section 3 as amended and section 3a as added by 2020 PA 228.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Government Operations.

Senate Bill No. 1251, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 2, 4, 7, and 23 (MCL 125.2002, 125.2004, 125.2007, and 125.2023), sections 4 and 23 as amended by 2014 PA 507 and section 7 as amended by 2014 PA 454.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Government Operations.

Senate Bill No. 1252, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending section 2 (MCL 12.252), as amended by 2016 PA 193, and by adding section 11.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Government Operations.

Senate Bill No. 1254, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 1c (MCL 780.621c), as added by 2020 PA 187.

The Senate has passed the bill.

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

By unanimous consent the House returned to the order of

Motions and Resolutions

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 4.101, MCL 4.541, AND RULE 37 OF THE STANDING RULES OF THE HOUSE OF REPRESENTATIVES.

Rep. Cole offered the following resolution:

House Resolution No. 342.

A resolution to grant the House Standing Committee on Oversight the full scope of power as authorized by MCL 4.101 and MCL 4.541 to administer oaths, issue subpoenas, and examine books and records related to the 2020 primary and general elections.

Whereas, Full access to accurate information is essential for sound decision making by any public or private body; and

Whereas, The Legislature is responsible for establishing laws governing the conduct of elections. Article I, Section 4 and Article II, Section 1 of the *Constitution of the United States* vests state legislatures with the authority to prescribe election procedures for congressional and presidential elections. Article II, Section 4 of the *Constitution of the State of Michigan of 1963* charges the Legislature with enacting laws on elections, stating, in part:

Except as otherwise provided in this constitution or in the constitution or laws of the United States the legislature shall enact laws to regulate the time, place and manner of all nominations and elections, to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting.

; and

Whereas, According to the Standing Rules of the House of Representatives and Michigan law, standing committees of the House of Representatives, including the House Standing Committee on Oversight, may be granted the power to administer oaths, issue subpoenas, and examine books and records; and

Whereas, Section 1 of 1952 PA 46, MCL 4.541, provides, in part, that:

...any standing or select committee of the senate or the house of representatives, and any joint select committee of the senate and house of representatives, shall be authorized to subpoena and have produced before any such committee, or inspect the records and files of any state department, board, institution or agency; and it shall be the duty of any state department, board, institution or agency to produce before the committee as required by the subpoena, or permit the members of any such committee to inspect its records and files.

; and

Whereas, Section 1 of 1931 PA 118, MCL 4.101, provides:

Committees and commissions of or appointed by the legislature may by resolution of the legislature be authorized to administer oaths, subpoena witnesses and/or to examine the books and records of any persons, partnerships or corporations involved in a matter properly before any of such committees or commissions. Any witness who neglects or refuses to obey a subpoena of any of such committees or commissions, or who refuses to be sworn or testify, or who fails on demand to produce any papers,

books or documents touching any matter under investigation, or any witness or attorney who is guilty of any contempt while in attendance at any hearing before any of such committees or commissions, may be punished as for contempt of the legislature.

; and

Whereas, Pursuant to Rule 37 of the Standing Rules of the House of Representatives, the authority for a committee to administer oaths, issue subpoenas, and examine books and records shall be granted by resolution; now, therefore, be it

Resolved by the House of Representatives, That, pursuant to the Standing Rules of the House of Representatives and Michigan law, we hereby grant the House Standing Committee on Oversight the full scope of power as authorized by MCL 4.101 and MCL 4.541 to administer oaths, issue subpoenas, and examine books and records of any persons, partnerships, corporations, state departments, state boards, state institutions, or state agencies related to the 2020 primary and general elections.

The resolution was referred to the Committee on Government Operations.

The Clerk declared the House adjourned until Tuesday, December 15, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives