

Legislative Analysis



LEGISLATIVE SUBPOENAS AND INVESTIGATIONS

Phone: (517) 373-8080
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House Bills 4522 and 4523 as introduced

Sponsor: Rep. Edward McBroom

Committee: Oversight and Ethics

Complete to 5-5-15

Analysis available at
<http://www.legislature.mi.gov>

REVISED SUMMARY:

House Bill 4522 would amend Public Act 46 of 1952 (MCL 4.541) to grant committees of the Legislature the same ability to subpoena and investigate records of local units of government that they now have for records of state departments, boards, institutions, and agencies.

The term "local unit of government" would refer to a county, city, village, township, school district, intermediate school district, community college district, or local authority.

Specifically, the bill says that standing or select committees of the Senate or the House of Representatives, and any joint select committees, can subpoena and have produced before a committee, or inspect, the records and files of any department, board, institution, or agency of a local unit of government. Currently this authority only applies to state government records and files. In both cases, entities are required to produce subpoenaed records and allow examinations, but only in connection with the jurisdiction and purposes for which the legislative committee was established.

House Bill 4523 would amend Public Act 118 of 1931 (MCL 4.101). That act deals with the power of committees and commissions of the Legislature to administer oaths, subpoena witnesses, and examine the books and records of any "persons, partnerships, or corporations" involved in a matter before a committee, and to punish for contempt those who refuse to be sworn or testify, fail to produce certain materials on demand, or who are guilty of contempt while in attendance at a hearing. The bill would rewrite the one-section, one paragraph act.

Currently, the act refers to "committees and commissions of or appointed by the legislature." The bill would refer instead to "each house of" the legislature. This is apparently intended to make it clear either house can act alone (rather than together as "the legislature").

The bill also would replace the term "persons, partnerships or corporations" with the term "person or entity." This would mean the subpoena and investigatory power under the act would extend to any person or entity involved in a matter properly before a committee or commission of, or appointed by, a house of the Legislature.

FISCAL IMPACT:

House Bills 4522 and 4523 could increase administrative costs for local units of government subject to the subpoena and investigatory authority of a committee of the Legislature provided under the provisions of the bill. Any fiscal impact on a local unit of government would be dependent upon the extent to which certain records and files were required to be produced before a committee of the Legislature.

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