

SUBSTITUTE FOR

HOUSE BILL NO. 4522

(as amended May 27, 2015)

[A bill to amend 1952 PA 46, entitled

"An act to provide for the inspection by committees of the legislature of the records and files of state departments, boards, institutions and agencies,"

by amending the title and section 1 (MCL 4.541).]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

[TITLE

An act to provide for the inspection by **CERTAIN** committees of the legislature of the records and files of state **AND LOCAL** departments, boards, institutions, and agencies.]

1 Sec. 1. (1) Notwithstanding any other provision of law to the
2 contrary, ~~any standing or select committee of the senate or the~~
3 ~~house of representatives, and any joint select committee of the~~
4 ~~senate and house of representatives, shall be authorized to~~ **THE**
5 **COMMITTEE AUTHORIZED BY EACH HOUSE OF THE LEGISLATURE TO RECEIVE**
6 **AND REVIEW AUDITOR GENERAL REPORTS MAY** subpoena and have produced
7 before ~~any such~~ **THAT** committee, or inspect the records and files
8 of any state department, board, institution, or agency, ~~and it~~

1 ~~shall be the duty of any~~ OR ANY DEPARTMENT, BOARD, INSTITUTION, OR
2 AGENCY OF A LOCAL UNIT OF GOVERNMENT, UPON AN AFFIRMATIVE AND
3 INFORMED VOTE OF A MAJORITY OF THE MEMBERS OF THAT COMMITTEE, WITH
4 NOT LESS THAN 1 OF THE AFFIRMATIVE VOTES COMING FROM A MEMBER OF
5 THE MINORITY PARTY.

6 (2) ~~THE~~ state OR LOCAL department, board, institution, or
7 agency ~~to~~ SHALL produce THE RECORDS AND FILES before the committee
8 as required by the subpoena, or permit the members of ~~any such~~ THAT
9 committee to inspect ~~its~~ THE records and files. ~~Such records and~~
10 ~~files shall be subpoenaed, examined or used only in connection with~~
11 ~~the jurisdiction and purposes for which the committee was~~
12 ~~created.~~ ANY PERSON WHO FAILS TO PRODUCE ANY RECORDS OR FILES THAT
13 HAVE BEEN SUBPOENAED UNDER THIS SECTION MAY BE PUNISHED FOR
14 CONTEMPT OF THE LEGISLATURE.

15 (3) SERVICE OF A SUBPOENA AUTHORIZED BY THIS SECTION SHALL BE
16 MADE AT LEAST 7 DAYS BEFORE THE DATE FIXED IN THE SUBPOENA FOR
17 PRODUCTION OF RECORDS UNLESS A SHORTER PERIOD IS AUTHORIZED BY A
18 MAJORITY VOTE OF ALL THE MEMBERS OF THE COMMITTEE, WITH NOT LESS
19 THAN 1 OF THE AFFIRMATIVE VOTES COMING FROM A MEMBER OF THE
20 MINORITY PARTY.

21 (4) PROVIDING RECORDS AND FILES TO A COMMITTEE UNDER THIS
22 SECTION DOES NOT CONSTITUTE PUBLIC DISCLOSURE OF THE RECORDS OR
23 FILES. IN THE COURSE OF INSPECTING AND USING ANY RECORDS OR FILES
24 PROVIDED UNDER THIS SECTION, THE COMMITTEE MAY NOT DISREGARD THE
25 CONFIDENTIAL NATURE OF THE RECORDS OR FILES AND MAY MEET IN A
26 CLOSED SESSION PURSUANT TO SECTION 8(H) OF THE OPEN MEETINGS ACT,
27 1976 PA 267, MCL 15.268. IN A CLOSED SESSION, ONLY THE MEMBERS AND

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1 CLERK OF THE COMMITTEE, LEGAL COUNSEL FOR THE MINORITY AND MAJORITY
2 PARTIES, AND PERSONS NECESSARY FOR THE PRODUCTION OF ANY RECORD OR
3 FILE MAY BE PRESENT.

4 (5) AS USED IN THIS SECTION:

5 (A) "INFORMED VOTE" MEANS A VOTE THAT OCCURS AFTER THE AID AND
6 ADVICE OF LEGAL COUNSEL IS RECEIVED AND AT LEAST 72 HOURS AFTER THE
7 COMMITTEE CLERK AND LEGAL COUNSEL FOR THE MINORITY AND MAJORITY
8 PARTIES RECEIVE WRITTEN NOTIFICATION BY THE COMMITTEE CHAIR THAT HE
9 OR SHE INTENDS TO ACT UNDER THIS SECTION.

10 (B) "LOCAL UNIT OF GOVERNMENT" MEANS A COUNTY, CITY, VILLAGE,
11 TOWNSHIP, SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, COMMUNITY
12 COLLEGE DISTRICT, OR LOCAL AUTHORITY.

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