

SUBSTITUTE FOR
HOUSE BILL NO. 4523

A bill to amend 1931 PA 118, entitled

"An act to provide for the administration of oaths, subpoena of witnesses and/or examination of certain books and records by committees and commissions of the legislature,"

by amending section 1 (MCL 4.101).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) ~~Committees and commissions of or appointed by EACH~~
2 **HOUSE OF** the legislature may, by resolution **OF THAT HOUSE**, ~~of the~~
3 ~~legislature be authorized~~ **AUTHORIZE COMMITTEES AND COMMISSIONS OF**
4 **OR APPOINTED BY THAT HOUSE OF THE LEGISLATURE** to administer oaths,
5 subpoena witnesses, ~~and/or to~~ **OR** examine the books and records of
6 any persons, ~~partnerships or corporations~~ **PERSON OR ENTITY** involved
7 in a matter properly before ~~any of such committees or commissions~~
8 **THAT COMMITTEE OR COMMISSION.**

1 (2) THE LEGISLATURE MAY, BY RESOLUTION OF THE LEGISLATURE,
2 AUTHORIZE COMMITTEES AND COMMISSIONS OF OR APPOINTED BY THE
3 LEGISLATURE TO ADMINISTER OATHS, SUBPOENA WITNESSES, OR EXAMINE THE
4 BOOKS AND RECORDS OF ANY PERSON OR ENTITY INVOLVED IN A MATTER
5 PROPERLY BEFORE THAT COMMITTEE OR COMMISSION.

6 (3) SERVICE OF A SUBPOENA AUTHORIZED BY THIS SECTION SHALL BE
7 MADE AT LEAST 7 DAYS BEFORE THE DATE FIXED IN THE SUBPOENA FOR
8 PRODUCTION OF RECORDS UNLESS A SHORTER PERIOD IS AUTHORIZED BY A
9 MAJORITY VOTE OF ALL THE MEMBERS OF THE COMMITTEE. THE SUBPOENA
10 SHALL ALSO BE SERVED WITH A COPY OF THE RESOLUTION OR STATUTE
11 ESTABLISHING THE COMMITTEE OR COMMISSION AND A GENERAL STATEMENT OF
12 THE SUBJECT MATTER OF THE COMMISSION'S OR COMMITTEE'S INVESTIGATION
13 OR INQUIRY.

14 (4) ANY PERSON SERVED WITH A SUBPOENA MAY CHOOSE TO BE
15 ACCOMPANIED BY COUNSEL IF A PERSONAL APPEARANCE IS REQUIRED AND
16 SHALL BE SERVED WITH A NOTICE TO THAT EFFECT.

17 (5) Any witness who neglects or refuses to obey a subpoena of
18 any of ~~such~~ **THE AUTHORIZED** committees or commissions, or who
19 refuses to be sworn or testify, or who fails on demand to produce
20 any papers, books, or documents touching any matter under
21 investigation, or any witness or attorney who is guilty of any
22 contempt while in attendance at any hearing before any of ~~such~~ **THE**
23 **AUTHORIZED** committees or commissions, may be punished ~~as~~ for
24 contempt of the legislature.

25 (6) PROVIDING RECORDS AND FILES TO A COMMITTEE UNDER THIS
26 SECTION DOES NOT CONSTITUTE PUBLIC DISCLOSURE OF THE RECORDS OR
27 FILES. IN THE COURSE OF INSPECTING AND USING ANY RECORDS OR FILES

House Bill No. 4523 as amended May 27, 2015

1 PROVIDED UNDER THIS SECTION, THE COMMITTEE MAY NOT DISREGARD THE
2 CONFIDENTIAL NATURE OF THE RECORDS OR FILES AND MAY MEET IN A
3 CLOSED SESSION PURSUANT TO SECTION 8(H) OF THE OPEN MEETINGS ACT,
4 1976 PA 267, MCL 15.268. IN A CLOSED SESSION, ONLY MEMBERS AND
5 CLERKS OF THE COMMITTEE, LEGAL COUNSEL FOR THE MINORITY AND
6 MAJORITY PARTIES, AND PERSONS NECESSARY FOR THE PRODUCTION OF ANY
7 RECORD OR FILE MAY BE PRESENT.

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