

HOUSE BILL No. 4432

March 29, 2017, Introduced by Rep. Graves and referred to the Committee on Oversight.

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 ~~the legislature be~~
3 ~~authorized~~ **THAT HOUSE, AUTHORIZE COMMITTEES AND COMMISSIONS OF OR**
4 **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~~ **A PERSON OR ENTITY**
7 involved in a matter properly before ~~any of such committees or~~
8 ~~commissions. Any~~ **THAT COMMITTEE OR COMMISSION.**

9 **(2) THE LEGISLATURE MAY, BY RESOLUTION OF THE LEGISLATURE,**
10 **AUTHORIZE COMMITTEES AND COMMISSIONS OF OR APPOINTED BY THE**

1 LEGISLATURE TO ADMINISTER OATHS, SUBPOENA WITNESSES, OR EXAMINE THE
2 BOOKS AND RECORDS OF A PERSON OR ENTITY INVOLVED IN A MATTER
3 PROPERLY BEFORE THAT COMMITTEE OR COMMISSION.

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

12 (4) A PERSON SERVED WITH A SUBPOENA MAY CHOOSE TO BE
13 ACCOMPANIED BY COUNSEL IF A PERSONAL APPEARANCE IS REQUIRED AND
14 MUST BE SERVED WITH A NOTICE TO THAT EFFECT.

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

23 (6) PROVIDING RECORDS AND FILES TO A COMMITTEE OR COMMISSION
24 UNDER THIS SECTION DOES NOT CONSTITUTE PUBLIC DISCLOSURE OF THE
25 RECORDS OR FILES. IN THE COURSE OF INSPECTING AND USING ANY RECORDS
26 OR FILES PROVIDED UNDER THIS SECTION, THE COMMITTEE OR COMMISSION
27 MAY NOT DISREGARD THE CONFIDENTIAL NATURE OF THE RECORDS OR FILES

1 AND MAY MEET IN A CLOSED SESSION PURSUANT TO SECTION 8(H) OF THE
2 OPEN MEETINGS ACT, 1976 PA 267, MCL 15.268. IN A CLOSED SESSION,
3 ONLY MEMBERS AND CLERKS OF THE COMMITTEE OR COMMISSION, LEGAL
4 COUNSEL FOR THE MINORITY AND MAJORITY PARTIES, AND PERSONS
5 NECESSARY FOR THE PRODUCTION OF ANY RECORD OR FILE MAY BE PRESENT.