

HOUSE BILL No. 4431

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

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 section 1 (MCL 4.541).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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~~
9 ~~shall be the duty of any~~ **OR ANY DEPARTMENT, BOARD, INSTITUTION, OR**
10 **AGENCY OF A LOCAL UNIT OF GOVERNMENT, UPON AN AFFIRMATIVE AND**

1 INFORMED VOTE OF A MAJORITY OF THE MEMBERS OF THAT COMMITTEE, WITH
2 NOT LESS THAN 1 OF THE AFFIRMATIVE VOTES COMING FROM A MEMBER OF A
3 MINORITY PARTY.

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

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

19 (4) PROVIDING RECORDS AND FILES TO A COMMITTEE UNDER THIS
20 SECTION DOES NOT CONSTITUTE PUBLIC DISCLOSURE OF THE RECORDS OR
21 FILES. IN THE COURSE OF INSPECTING AND USING ANY RECORDS OR FILES
22 PROVIDED UNDER THIS SECTION, THE COMMITTEE SHALL NOT DISREGARD THE
23 CONFIDENTIAL NATURE OF ANY PARTICULAR RECORDS OR FILES AND MAY MEET
24 IN A CLOSED SESSION PURSUANT TO SECTION 8(H) OF THE OPEN MEETINGS
25 ACT, 1976 PA 267, MCL 15.268. IN A CLOSED SESSION, ONLY THE MEMBERS
26 AND CLERK OF THE COMMITTEE, LEGAL COUNSEL FOR MINORITY AND MAJORITY
27 PARTIES, AND PERSONS NECESSARY FOR THE PRODUCTION OF ANY RECORD OR

1 FILE MAY BE PRESENT.

2 (5) AS USED IN THIS SECTION:

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

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

11 Enacting section 1. This amendatory act takes effect 90 days
12 after the date it is enacted into law.