

The Committee on Government Operations offered the following substitute (H-3):
THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL § 4.101 AND MCL § 4.541 AND
REQUIRES A RECORD ROLL CALL VOTE UNDER THE PROVISIONS OF RULE 39 OF THE
STANDING RULES OF THE HOUSE OF REPRESENTATIVES.

Substitute for House Resolution No. 60

A resolution to extend subpoena power to the House Education Committee and to its Subcommittee on Intermediate School District Review for the purpose of administering oaths, taking sworn testimony, and examining files and records regarding the Oakland County Intermediate School District.

Whereas, Full access to accurate information is essential for sound decision making by any public or private body. Section 1 of 1931 PA 118, being MCL § 4.101, provides that

Committees and commissions of or appointed by the legislature may by resolution of the legislature be authorized to administer oaths, subpoena witnesses and/or to examine the books and records of any persons, partnerships or corporations involved in a matter properly before any of such committees or commissions. Any witness who neglects or refuses to obey a subpoena of any of such committees or commissions, or who refuses to be sworn or testify, or who fails on demand to produce any papers, books or documents touching any matter under investigation, or any witness or attorney who is guilty of any contempt while in attendance at any hearing before any of such committees or commissions, may be punished as for contempt of the legislature.

Section 1 of 1952 PA 46, being MCL § 4.541, provides, in part, that

. . . any standing or select committee of the senate or the house of representatives, and any joint select committee of the senate and house of representatives, shall be authorized to subpoena and have produced before any such committee, or inspect the records and files of any state department, board, institution or agency; and it shall be the duty of any state department, board, institution or agency to produce before the

committee as required by the subpoena, or permit the members of any such committee to inspect its records and files.

Pursuant to Rule 39 of the Standing Rules of the House of Representatives, the authority for a committee to issue subpoenas shall be granted by resolution, with the vote for adoption by record roll call and a majority of members elected and serving required for adoption; and

Whereas, Under the provisions of MCL § 4.83, a person guilty of contempt of the legislature shall be guilty of a misdemeanor and may, upon conviction, be punished by imprisonment in the state prison for not more than 5 years or by imprisonment in the county jail for not more than one year, or by a fine of not more than \$1,000, or by both the fine and imprisonment in a county jail; now, therefore, be it

Resolved by the House of Representatives, That, pursuant to MCL § 4.101 and MCL § 4.541 and Rule 39 of the Standing Rules of the House of Representatives, we hereby grant subpoena power to the House Education Committee and to its Subcommittee on Intermediate School District Review in the context of the committee's investigation of the Oakland County Intermediate School District. The Education Committee and its Subcommittee on Intermediate School District Review may administer oaths, take sworn testimony, and examine records and files relative to the operations of the Oakland County Intermediate School District and exercise all powers provided for in MCL §§ 4.101 and 4.541; and be it further

Resolved, That copies of this resolution be transmitted to the House Education Committee and to its Subcommittee on Intermediate School District Review.

R 0204 '03 (H-3)