

HOUSE BILL NO. 5664

January 12, 2022, Introduced by Rep. Fink and referred to the Committee on Oversight.

A bill to amend 1936 (Ex Sess) PA 1, entitled
"Michigan employment security act,"
by amending section 9 (MCL 421.9).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. **(1)** The ~~commission may by itself,~~ **unemployment agency**
2 or ~~by its duly appointed~~ **authorized** agents ~~,~~ **may** examine or copy
3 the books, records, and papers of ~~any~~ **an** employing unit relating to
4 any requirement pertaining to this act. ~~Any member of the~~
5 ~~commission~~ **However, the unemployment agency or its duly authorized**

1 agents shall not require that an employing unit provide a book,
 2 record, or paper for examining or copying in a form other than the
 3 form in which the book, record, or paper then exists. The
 4 **unemployment agency** or its duly authorized agents may issue a
 5 subpoena requiring any person to appear before the ~~commission,~~
 6 **unemployment agency** or its duly authorized agent at any reasonable
 7 time and place, ~~and~~ be examined with reference to any matter within
 8 the scope of the inquiry or investigation being conducted by the
 9 ~~commission~~ **unemployment agency**, and ~~to~~ produce any books, records,
 10 or papers pertaining to the question involved. ~~Any member of the~~
 11 ~~commission~~ **The unemployment agency** or its duly authorized agents
 12 may administer an oath or affirmation to a witness in any matter
 13 before the ~~commission,~~ **unemployment agency**, certify to official
 14 acts, and take depositions. In case of disobedience of a subpoena,
 15 the ~~commission,~~ **unemployment agency**, or the party on whose behalf
 16 it was issued, may invoke the aid of any circuit court of ~~the~~ **this**
 17 state in requiring the attendance and testimony of witnesses and
 18 the production of books, records, and papers pertaining to the
 19 question involved. ~~And any of the~~ **A circuit courts** ~~court~~ of the
 20 **this** state within the jurisdiction of which such inquiry is carried
 21 on may, in case of contumacy or refusal to obey a subpoena, issue
 22 an order requiring such person to appear before ~~said commission~~ ~~the~~
 23 **unemployment agency** or its duly authorized agents, ~~and to~~ produce
 24 books, records, ~~and or~~ papers, if so ordered, ~~and or~~ give evidence
 25 touching the matter in question. ~~;~~ ~~and any~~ ~~A~~ failure to obey ~~such~~
 26 **an** order of the court may be punished by ~~such~~ **that** court as a
 27 contempt thereof.

28 (2) ~~No person shall be~~ **A person is not** excused from testifying
 29 or from producing any books, records, or papers in any

1 investigation, or upon any hearing, when ordered to do so by the
2 ~~commission,~~ **unemployment agency** or its duly authorized agents, upon
3 the ground that the testimony or evidence, documentary or
4 otherwise, may tend to incriminate ~~him~~ **the person** or subject ~~him~~
5 **the person** to a criminal penalty. ~~; but no~~ **However, a person shall**
6 **must not** be prosecuted or subjected to any criminal penalty for, or
7 on account of, any transaction made or thing concerning which ~~he~~
8 **the person** is compelled, upon the claiming of his **or her** privilege
9 to testify. ~~No person~~ **A person** so testifying ~~shall be~~ **is not** exempt
10 from prosecution and punishment for perjury committed in so
11 testifying.