

SENATE BILL No. 801

September 10, 2009, Introduced by Senators PATTERSON, GILBERT, KUIPERS, BIRKHOLZ, BARCIA and WHITMER and referred to the Committee on Judiciary.

A bill to amend 1968 PA 318, entitled

"An act to implement the provisions of section 10 of article 4 of the constitution relating to substantial conflicts of interest on the part of members of the legislature and state officers in respect to contracts with the state and the political subdivisions thereof; to provide for penalties for the violation thereof; to repeal all acts and parts of acts in conflict with this act; and to validate certain contracts,"

(MCL 15.301 to 15.310) by adding section 2a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2A. (1) A LEGISLATOR SHALL NOT VOTE ON A BILL WITH WHICH
2 HE OR SHE HAS A CONFLICT OF INTEREST. IF THE LEGISLATOR HAS A
3 CONFLICT OF INTEREST, THE LEGISLATOR SHALL STATE THAT FACT ON THE
4 RECORD PRIOR TO ABSTAINING FROM VOTING.

5 (2) ANY MEMBER OF THE LEGISLATURE VIOLATING THE PROVISIONS OF
6 THIS SECTION SHALL BE SUBJECT TO APPROPRIATE DISCIPLINARY ACTION BY
7 THE HOUSE OF WHICH HE OR SHE IS A MEMBER. THE HOUSE OF

1 REPRESENTATIVES AND SENATE SHALL PROMULGATE RULES THAT ARE
2 CONSISTENT WITH AND ENFORCE THIS SECTION NO LATER THAN JANUARY 1,
3 2010.

4 (3) AS USED IN THIS SECTION:

5 (A) "CONFLICT OF INTEREST" MEANS A LEGISLATOR HAS A PERSONAL
6 INTEREST IN LEGISLATION AND, BY REASON OF HIS OR HER PARTICIPATION
7 IN THE ENACTMENT OR DEFEAT OF ANY LEGISLATION, HE OR SHE, OR A
8 RELATED PERSON, WILL DERIVE A DIRECT OR INDIRECT MONETARY GAIN OR
9 SUFFER A DIRECT OR INDIRECT MONETARY LOSS. A PERSONAL INTEREST CAN
10 BE INFERRED IF A BENEFIT OR DETRIMENT COULD REASONABLY BE EXPECTED
11 TO ACCRUE TO THE LEGISLATOR, OR A RELATED PERSON, AS A MEMBER OF A
12 BUSINESS, PROFESSION, OCCUPATION, OR GROUP, TO A GREATER EXTENT
13 THAN TO ANY OTHER MEMBER OF THAT BUSINESS, PROFESSION, OCCUPATION,
14 OR GROUP.

15 (B) "LEGISLATOR" MEANS A MEMBER OF THE LEGISLATURE.

16 (C) "RELATED PERSON" MEANS A LEGISLATOR'S SPOUSE, DEPENDENT
17 CHILD, BUSINESS ASSOCIATE, OR ANY OTHER INDIVIDUAL RESIDING IN THE
18 SAME HOUSEHOLD AS THE LEGISLATOR.