

HOUSE BILL NO. 4680

April 21, 2021, Introduced by Reps. Fink and Roth and referred to the Committee on Elections and Ethics.

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,"

by amending the title and section 7 (MCL 15.307).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

1 An act to implement ~~the provisions of~~ section 10 of article 4
 2 **IV** of the **state** constitution of **1963** relating to substantial
 3 conflicts of interest ~~on the part of~~ members of the legislature and
 4 state officers in respect to contracts with ~~the~~ **this** state and the
 5 political subdivisions ~~thereof;~~ **of this state; to provide for the**
 6 **power and duties of legislative committees on ethics and conflicts**
 7 **of interest; to require members of the legislature to file certain**
 8 **reports;** to provide for penalties for ~~the violation thereof;~~
 9 **certain violations;** to repeal all acts and parts of acts in
 10 conflict with this act; and to validate certain contracts.

11 Sec. 7. (1) ~~There is created a special~~ **Each house of the**
 12 **legislature shall create or designate a** committee ~~of the~~
 13 ~~legislature on~~ **to enforce ethics and** conflict of interest **laws and**
 14 **rules governing the members of the legislature.** ~~(herein referred to~~
 15 ~~as the committee) to consist of 3 members of the senate and 3~~
 16 ~~members of the house of representatives, at least 1 of whom from~~
 17 ~~each house shall be a member of the minority party, to be appointed~~
 18 ~~in the same manner as standing committees of the senate and the~~
 19 ~~house. The committee shall have the following duties and powers:~~

20 ~~(a) It shall establish, by majority vote, its rules and~~
 21 ~~procedures;~~

22 ~~(b) Its members shall serve without compensation, but shall be~~
 23 ~~entitled to actual and necessary expenses while on the business of~~
 24 ~~the committee;~~

25 ~~(c) It may, upon~~

26 **(2) Membership on a committee will be determined as follows:**

27 **(a) Each of the following will select 1/2 of the members of**
 28 **the committee in the house of representatives for terms concurrent**
 29 **with the terms for which the members are elected:**

1 (i) The speaker of the house of representatives, who will also
2 designate 1 legislator as a co-chairperson.

3 (ii) The minority leader of the house of representatives, who
4 will also designate 1 legislator as a co-chairperson.

5 (b) Each of the following will select 1/2 of the members of
6 the committee in the senate for terms concurrent with the terms for
7 which the members are elected:

8 (i) The senate majority leader, who will also designate 1
9 legislator as a co-chairperson.

10 (ii) The senate minority leader, who will also designate 1
11 legislator as a co-chairperson.

12 (3) The co-chairpersons of each committee designated under
13 subsection (2) will alternate as chairperson of that committee
14 every 6 months.

15 (4) The speaker of the house of representatives may remove a
16 legislator from the committee in the house of representatives for
17 any reason. The senate majority leader may remove a legislator from
18 the committee in the senate for any reason. If a vacancy occurs on
19 the committee, the individual who made the designation under
20 subsection (2) shall designate a legislator to fill the vacancy.

21 (5) Each committee shall do both of the following:

22 (a) ~~On the request of any member of the legislature, a~~
23 ~~legislator,~~ render advisory opinions to ~~legislators that~~ legislator
24 as to whether ~~under~~ the facts and circumstances of a particular
25 case ~~a legislator is interested directly or indirectly in a~~
26 ~~contract with the state or any political subdivision thereof which~~
27 ~~shall cause a substantial~~ **may constitute an ethical violation or a**
28 conflict of interest. †

29 ~~(d) It may insure that the identity of persons involved in any~~

1 ~~request for advisory opinions shall not be disclosed in the~~
2 ~~request, advisory opinion or otherwise.~~

3 (b) Accept a complaint from any individual that a legislator
4 has willfully violated this act or the rules of the house of which
5 the legislator is a member.

6 (6) A committee may do any of the following:

7 (a) Investigate a complaint accepted under subsection (5) (b)
8 and make a determination of whether the legislator named in a
9 complaint has willfully violated this act or the rules of the house
10 of which the legislator is a member.

11 (b) Make recommendations for disciplinary action, if
12 applicable.

13 (c) Extend the deadline to file a report under section 7a for
14 up to 90 days on a showing of good cause.

15 (7) The secretary of the senate and the clerk of the house of
16 representatives shall preserve all reports received under section
17 7a for not less than 15 years after the date the report is filed.

18 (8) Except as provided in subsections (9), (10), and (11), all
19 records and files of a committee are confidential and exempt from
20 disclosure under the freedom of information act, 1976 PA 442, MCL
21 15.231 to 15.246.

22 (9) Except as otherwise provided by law, after the
23 investigation of a complaint under subsection (6) is completed, if
24 the committee determines that a member has willfully violated this
25 act or the rules of the house of which the legislator is a member,
26 the determination, findings, evidence, and recommendations for
27 disciplinary action must be made available to the public for
28 inspection not more than 10 business days after the determination
29 is made. The report disclosed under this subsection must not be

1 used for a commercial purpose.

2 (10) A legislator may disclose his or her own report filed
3 under section 7a.

4 (11) The secretary of the senate and the clerk of the house of
5 representatives shall, within 10 business days after receiving a
6 request, release a former legislator's reports filed under section
7 7a.

8 (12) Any member of the legislature who is licensed as an
9 attorney is prohibited from appearing in any nonadversary or
10 nonministerial proceeding before any state department, office,
11 board, or commission of the executive branch of government.

12 ~~(13) Any member of the legislature~~ **A legislator who** willfully
13 ~~violating the provisions of~~ **violates** this act ~~shall be~~ **is** subject
14 to appropriate disciplinary action by the house of which he **or she**
15 is a member.

16 (14) The legislature shall appropriate the funds necessary for
17 the committees to carry out the functions, operations, and
18 activities required under this section.

19 (15) This act does not create or imply a private cause of
20 action.

21 (16) This act does not limit the ability of the senate and the
22 house of representatives to adopt conflict of interest standards
23 that are more stringent than those provided in this act.

24 (17) As used in this section:

25 (a) "Committee" means the committee created or designated by
26 the state house of representatives or state senate under subsection
27 (1), as applicable.

28 (b) "Former legislator" means an individual who is no longer
29 serving as a state representative or a state senator.

1 (c) "Legislator" means a state representative or state
2 senator.

3 Enacting section 1. This amendatory act takes effect January
4 1, 2022.

5 Enacting section 2. This amendatory act does not take effect
6 unless Senate Bill No.____ or House Bill No. 4684 (request no.
7 02959'21) of the 101st Legislature is enacted into law.