

SUBSTITUTE FOR
HOUSE BILL NO. 4680

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 section 7 (MCL 15.307).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. **(1)** ~~There is created a special~~ **Each house of the**
2 **legislature shall create or designate a** committee ~~of the~~
3 ~~legislature on~~ **to enforce ethics and** conflict of interest **laws and**
4 **rules governing the members of the legislature.** ~~(herein referred to~~
5 ~~as the committee) to consist of 3 members of the senate and 3~~

~~1 members of the house of representatives, at least 1 of whom from
2 each house shall be a member of the minority party, to be appointed
3 in the same manner as standing committees of the senate and the
4 house. The committee shall have the following duties and powers:~~

~~5 (a) It shall establish, by majority vote, its rules and
6 procedures;~~

~~7 (b) Its members shall serve without compensation, but shall be
8 entitled to actual and necessary expenses while on the business of
9 the committee;~~

~~10 (c) It may, upon~~

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

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

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

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

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

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

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

**(3) The co-chairpersons of each committee designated under
27 subsection (2) will alternate as chairperson of that committee
28 every 6 months.**

(4) The speaker of the house of representatives may remove a

1 legislator from the committee in the house of representatives for
2 any reason. The senate majority leader may remove a legislator from
3 the committee in the senate for any reason. If a vacancy occurs on
4 the committee, the individual who made the designation under
5 subsection (2) shall designate a legislator to fill the vacancy.

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

7 (a) ~~On the request of any member of the legislature, a~~
8 **legislator**, render advisory opinions to ~~legislators~~ **that legislator**
9 as to whether ~~under~~ the facts and circumstances of a particular
10 case ~~a legislator is interested directly or indirectly in a~~
11 ~~contract with the state or any political subdivision thereof which~~
12 ~~shall cause a substantial~~ **may constitute an ethical violation or a**
13 conflict of interest. †

14 ~~(d) It may insure that the identity of persons involved in any~~
15 ~~request for advisory opinions shall not be disclosed in the~~
16 ~~request, advisory opinion or otherwise.~~

17 (b) **Accept a complaint from any individual that a legislator**
18 **has willfully violated this act or the rules of the house of which**
19 **the legislator is a member.**

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

21 (a) **Initiate an investigation, including in response to a**
22 **complaint accepted under subsection (5) (b), and make a**
23 **determination of whether the legislator named in a complaint has**
24 **willfully violated this act or the rules of the house of which the**
25 **legislator is a member.**

26 (b) **Make recommendations for disciplinary action, if**
27 **applicable.**

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

1 (7) The secretary of the senate and the clerk of the house of
2 representatives shall preserve all reports received under section
3 7a for not less than 15 years after the date the report is filed.

4 (8) Except as provided in subsections (9), (10), and (11), all
5 records and files of a committee are confidential and exempt from
6 disclosure under the freedom of information act, 1976 PA 442, MCL
7 15.231 to 15.246.

8 (9) Except as otherwise provided by law, after the
9 investigation of a complaint under subsection (6) is completed, if
10 the committee determines that a member has willfully violated this
11 act or the rules of the house of which the legislator is a member,
12 the determination, findings, evidence, and recommendations for
13 disciplinary action must be made available to the public for
14 inspection not more than 10 business days after the determination
15 is made. The report disclosed under this subsection must not be
16 used for a commercial purpose.

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

19 (11) The secretary of the senate and the clerk of the house of
20 representatives shall, within 10 business days after receiving a
21 request, release a former legislator's reports filed under section
22 7a.

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

27 (13) ~~Any member of the legislature~~ **A legislator who** willfully
28 ~~violating the provisions of~~ **violates** this act, ~~shall be including a~~
29 **member of the committee who improperly divulges confidential**

1 information acquired in the course of the committee's activities,
2 is subject to appropriate disciplinary action by the house of which
3 he or she is a member.

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

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

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

12 (17) As used in this section:

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

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

18 (c) "Legislator" means a state representative or state
19 senator.

20 Enacting section 1. This amendatory act takes effect January
21 1, 2022.

22 Enacting section 2. This amendatory act does not take effect
23 unless all of the following bills of the 101st Legislature are
24 enacted into law:

25 (a) House Bill No. 4681.

26 (b) House Bill No. 4682.

27 (c) House Bill No. 4683.

28 (d) House Bill No. 4685.