

HOUSE BILL NO. 4265

March 14, 2023, Introduced by Reps. Fink, Kuhn, Thompson, Greene, Rigas, Kunse, Bierlein, Bollin, Meerman, Tisdell, Schuette, Bezotte, Borton, Steele, St. Germaine and Beson and referred to the Committee on Ethics and Oversight.

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 ~~(herein~~

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

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

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

12 ~~(c) It may, upon the request of any member of the legislature,~~

13 **(2) Membership on a committee must be determined as follows:**

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

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

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

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

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

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

28 **(3) The co-chairpersons of each committee designated under**
29 **subsection (2) shall alternate as chairperson of that committee**

1 every 6 months.

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

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

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

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

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

21 (6) A committee may do either of the following:

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

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

29 (7) Except as provided in subsection (8), all records and

1 files of a committee are confidential and exempt from disclosure
2 under the freedom of information act, 1976 PA 442, MCL 15.231 to
3 15.246.

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

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

17 ~~Any member of the legislature~~ **A legislator who** willfully
18 ~~violating the provisions of~~ **violates** this act, shall be ~~including a~~
19 **member of the committee who improperly divulges confidential**
20 **information acquired in the course of the committee's activities,**
21 **is** subject to appropriate disciplinary action by the house of the
22 **legislature** of which ~~he~~ **the legislator** is a member.

23 (11) The legislature shall appropriate the funds necessary for
24 the committees to carry out the functions, operations, and
25 activities required under this section.

26 (12) This act does not create or imply a private cause of
27 action.

28 (13) This act does not limit the ability of the senate and the
29 house of representatives to adopt conflict of interest standards

1 that are more stringent than those provided in this act.

2 (14) As used in this section:

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

6 (b) "Legislator" means a state representative or state
7 senator.

8 Enacting section 1. This amendatory act does not take effect
9 unless all of the following bills of the 102nd Legislature are
10 enacted into law:

11 (a) Senate Bill No. ____ or House Bill No. 4264 (request no.
12 00249'23).

13 (b) Senate Bill No. ____ or House Bill No. 4267 (request no.
14 01060'23).

15 (c) Senate Bill No. ____ or House Bill No. 4268 (request no.
16 01061'23).

17 (d) Senate Bill No. ____ or House Bill No. 4269 (request no.
18 01660'23).