

Legislative Analysis



LEGISLATORS' CONFLICTS OF INTEREST

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House Bill 4315

Sponsor: Rep. Steve Bieda

Committee: Ethics and Elections

Complete to 2-26-07

A SUMMARY OF HOUSE BILL 4315 AS INTRODUCED 2-22-07

The bill would amend Public Act 318 of 1968 to prohibit state legislators from voting on bills when they have a substantial conflict of interest. A legislator with a substantial conflict of interest would have to state that fact on the record.

Currently, the act says a member of the legislature and a state officer shall not be interested directly or indirectly in any contract with the state or any of its political subdivisions that causes a substantial conflict of interest.

The bill would define the term "substantial conflict of interest" as:

A close economic association or personal relationship between a legislator or state officer and a person that is likely to be substantially affected by an official action or decision of the legislator or state officer that a reasonable person would believe conflicts with the public duty or obligation of the legislator or state officer to exercise objective independent judgment or that a reasonable person would believe creates the appearance that the person may have undue access to confidential information or may otherwise receive favored treatment regarding a public action.

The bill specifies that the term does not include a contract arising out of the status of being a student at a state institution of higher education if the student is elected or appointed to the governing board of the institution.

The term "state officer" in the act refers to the governor, lieutenant governor, secretary of state, state treasurer, attorney general, auditor general, superintendent of public instruction, university trustees, supreme court justices, court of appeals judges, director of the State Highway Commission, and state personnel director. The term also includes, among others, members of the State Highway Commission, Liquor Control Commission, Board of State Canvassers, and Civil Rights Commission.

FISCAL IMPACT:

The bill would have no fiscal impact on the state.

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