

# SENATE BILL No. 380

March 27, 2007, Introduced by Senators PAPPAGEORGE, KAHN and JANSEN and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1973 PA 196, entitled

"An act to prescribe standards of conduct for public officers and employees; to create a state board of ethics and prescribe its powers and duties; and to prescribe remedies and penalties,"

by amending section 2 (MCL 15.342), as amended by 1984 PA 53.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2. (1) A public officer or employee shall not divulge to  
2       an unauthorized person ~~—~~confidential information acquired in the  
3       course of employment in advance of the time prescribed for its  
4       authorized release to the public.

5       (2) A public officer or employee shall not represent his or  
6       her personal opinion as that of an agency.

7       (3) A public officer or employee shall use personnel  
8       resources, property, and funds under the ~~officer~~**OFFICER'S** or  
9       employee's official care and control judiciously and solely in

1 accordance with prescribed constitutional, statutory, and  
2 regulatory procedures and not for personal gain or benefit.

3 (4) A public officer or employee shall not solicit or accept a  
4 gift or loan of money, goods, services, or other thing of value for  
5 the benefit of a person or organization, other than the state,  
6 ~~which~~**THAT** tends to influence the manner in which the public  
7 officer or employee or another public officer or employee performs  
8 official duties.

9 (5) A public officer or employee shall not engage in a  
10 business transaction in which the public officer or employee may  
11 profit from his or her official position or authority or benefit  
12 financially from confidential information ~~which~~**THAT** the public  
13 officer or employee has obtained or may obtain by reason of that  
14 position or authority. Instruction which is not done during  
15 regularly scheduled working hours except for annual leave or  
16 vacation time shall not be considered a business transaction  
17 ~~pursuant to~~**UNDER** this subsection if the instructor does not have  
18 any direct dealing with or influence on the employing or  
19 contracting facility associated with his or her course of  
20 employment with this state.

21 (6) Except as provided in section 2a, a public officer or  
22 employee shall not engage in or accept employment or render  
23 services for a private or public interest when that employment or  
24 service is incompatible or in conflict with the discharge of the  
25 ~~officer~~**OFFICER'S** or employee's official duties or when that  
26 employment may tend to impair his or her independence of judgment  
27 or action in the performance of official duties.

1           (7) Except as provided in section 2a, a public officer or  
2 employee shall not participate in the negotiation or execution of  
3 contracts, making of loans, granting of subsidies, fixing of rates,  
4 issuance of permits or certificates, or other regulation or  
5 supervision relating to a business entity in which the public  
6 officer or employee has a financial or personal interest.

7           (8) A PUBLIC OFFICER SHALL NOT SOLICIT OR ACCEPT A GIFT OR  
8 REIMBURSEMENT OF OUT-OF-STATE TRAVEL EXPENSES FROM A PERSON  
9 REQUIRED TO BE REGISTERED AS A LOBBYIST AGENT UNDER 1978 PA 472,  
10 MCL 4.411 TO 4.431.

11           (9) A PUBLIC OFFICER SHALL NOT SOLICIT OR ACCEPT A  
12 CONTRIBUTION, AS DEFINED IN SECTION 4 OF THE MICHIGAN CAMPAIGN  
13 FINANCE ACT, 1976 PA 388, MCL 169.204, IN ANY FACILITY OR PORTION  
14 OF A FACILITY OWNED OR LEASED BY THE STATE THAT IS USED PRIMARILY  
15 FOR THE CONDUCTING OF GOVERNMENT BUSINESS. AN INDIVIDUAL WHO  
16 VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
17 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF \$1,000.00 OR  
18 THE AMOUNT OF THE CONTRIBUTION ACCEPTED, WHICHEVER IS GREATER, OR  
19 BOTH IMPRISONMENT AND A FINE.