

SENATE BILL No. 11

January 14, 2009, Introduced by Senator GLEASON 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 sections 1 and 2 (MCL 15.341 and 15.342), section 1 as amended by 1980 PA 481 and section 2 as amended by 1984 PA 53.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Board" means the board of ethics.

3 (b) "Employee" means an employee, classified or unclassified,
4 of the executive branch of this state. For the purpose of section
5 2b, employee ~~shall include~~ **INCLUDES** an employee of this state or a
6 political subdivision of this state.

7 (c) "Public officer" means a person appointed by the governor
8 or another executive department official. For the purpose of

~~section~~ **SECTIONS 2 (8) AND 2b**, public officer ~~shall include~~ **INCLUDES**
an elected or appointed official of this state or a political
subdivision of this state.

(d) "Unethical conduct" means a violation of the standards in
section 2.

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

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

(3) A public officer or employee shall use personnel
resources, property, and funds under the officer or employee's
official care and control judiciously and solely in accordance with
prescribed constitutional, statutory, and regulatory procedures and
not for personal gain or benefit.

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

(5) A public officer or employee shall not engage in a
business transaction in which the public officer or employee may
profit from his or her official position or authority or benefit
financially from confidential information ~~which~~ **THAT** the public
officer or employee has obtained or may obtain by reason of that

1 position or authority. Instruction ~~which~~**THAT** is not done during
2 regularly scheduled working hours except for annual leave or
3 vacation time shall not be considered a business transaction
4 ~~pursuant to~~**UNDER** this subsection if the instructor does not have
5 any direct dealing with or influence on the employing or
6 contracting facility associated with his or her course of
7 employment with this state.

8 (6) Except as provided in section 2a, a public officer or
9 employee shall not engage in or accept employment or render
10 services for a private or public interest ~~when~~**IF** that employment
11 or service is incompatible or in conflict with the discharge of the
12 officer or employee's official duties or ~~when~~**IF** that employment
13 may tend to impair his or her independence of judgment or action in
14 the performance of official duties.

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

21 **(8) A PUBLIC OFFICER SERVING IN AN ELECTED OFFICE OF A UNIT OF**
22 **LOCAL GOVERNMENT, INCLUDING, BUT NOT LIMITED TO, A SCHOOL DISTRICT,**
23 **SHALL NOT USE PUBLIC FUNDS OF THAT UNIT OF LOCAL GOVERNMENT FOR HIS**
24 **OR HER TRAVEL TO, OR EXPENSES AT, A CONFERENCE OR SEMINAR DURING**
25 **THE REMAINDER OF THE TERM OF OFFICE UNDER ANY OF THE FOLLOWING**
26 **CONDITIONS:**

27 **(A) AFTER THE PUBLIC OFFICER IS DEFEATED IN A PRIMARY ELECTION**

1 FOR THE NEXT TERM OF THE OFFICE.

2 (B) AFTER ELECTION RETURNS HAVE BEEN CERTIFIED INDICATING THAT
3 ANOTHER INDIVIDUAL HAS BEEN ELECTED TO THE OFFICE.

4 (C) FOR A PUBLIC OFFICER WHO IS TERM-LIMITED OR HAS NOT FILED
5 AS A CANDIDATE FOR REELECTION TO THE OFFICE, AFTER THE FILING
6 DEADLINE FOR THE ELECTION FOR THE NEXT TERM OF OFFICE.