

HOUSE BILL No. 4489

April 19, 2017, Introduced by Rep. Marino and referred to the Committee on Elections and Ethics.

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 the title and section 2 (MCL 15.342), the title as amended by 1980 PA 481 and section 2 as amended by 1984 PA 53.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to prescribe standards of conduct for public officers
3 and employees **AND OTHERS**; to create a state board of ethics and
4 prescribe its powers and duties; and to prescribe remedies and
5 penalties.

6 Sec. 2. (1) A public officer or employee shall not divulge, to
7 an unauthorized person, confidential information acquired in the
8 course of employment ~~in advance of~~ **BEFORE** the time prescribed for

1 its authorized release to the public.

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

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

9 (4) A public officer or employee, **OR A MEMBER OF HIS OR HER**
10 **IMMEDIATE FAMILY**, shall not solicit or accept a gift or loan of
11 money, goods, services, or other thing of value for the benefit of
12 a person or organization, other than ~~the-THIS~~ state, ~~which-THAT~~
13 tends to influence the manner in which the public officer or
14 employee or another public officer or employee performs official
15 duties.

16 (5) A public officer or employee shall not engage in a
17 business transaction in which the public officer or employee, **OR A**
18 **MEMBER OF HIS OR HER IMMEDIATE FAMILY**, may profit from his or her
19 official position or authority or benefit financially from
20 confidential information ~~which-THAT~~ the public officer or employee
21 has obtained or may obtain by reason of that position or authority.
22 Instruction ~~which-THAT~~ is not done during regularly scheduled
23 working hours except for annual leave or vacation time ~~shall-IS~~ not
24 ~~be-considered~~ a business transaction ~~pursuant to-UNDER~~ this
25 subsection if the instructor does not have any direct dealing with
26 or influence on the employing or contracting facility associated
27 with his or her course of employment with this state.

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

8 (7) Except as provided in section 2a, a public officer or
9 employee shall not participate in the negotiation or execution of
10 contracts, making of loans, granting of subsidies, fixing of rates,
11 issuance of permits or certificates, or other regulation or
12 supervision relating to a business entity in which the public
13 officer or employee, **OR A MEMBER OF HIS OR HER IMMEDIATE FAMILY,**
14 has a financial or personal interest.

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.

17 Enacting section 2. This amendatory act does not take effect
18 unless all of the following bills of the 99th Legislature are
19 enacted into law:

20 (a) Senate Bill No.____ or House Bill No.____ (request no.
21 02126'17).

22 (b) Senate Bill No.____ or House Bill No. 4491 (request no.
23 02455'17).