

HOUSE BILL No. 4490

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 4 (MCL 15.344), the title as amended by 1980 PA 481.

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. 4. (1) ~~The~~ **SUBJECT TO SUBSECTION (2), THE** board of ethics
7 shall consist of 7 members appointed by the governor, with the
8 advice and consent of the senate, 1 of whom shall be designated as

1 chairman and all of whom shall be residents of the state and not
2 associated with public employment. Not more than 4 members of the
3 board shall be members of the same political party. Initial
4 appointments shall be made for terms commencing 30 days after the
5 effective date of this act. Of those first appointed, 2 shall serve
6 for 1 year, 2 shall serve for 2 years, and 3 shall serve for 3
7 years. For the 1 year, 2 year, and 3 year terms, at least 1 member
8 **APPOINTED** for each such term shall be of the same political party.
9 In the event of a vacancy, the governor shall fill the vacancy for
10 the remainder of the term. Subsequent to the initial appointments,
11 members shall be appointed for terms of 4 years.

12 (2) The attorney general and the state personnel director
13 shall serve ex officio without the right to vote.

14 (3) Four members of the board ~~shall~~ constitute a quorum and
15 the affirmative vote of 4 members ~~shall be~~ **IS** necessary for any
16 action. Members of the board shall serve without compensation but
17 shall be reimbursed for their actual and necessary expenses
18 incurred in the performance of their duties. With the consent of
19 the civil service commission, the state personnel director shall
20 designate an employee of the department of civil service,
21 acceptable to the board, to act as executive secretary of the board
22 and shall provide clerical or administrative assistance from the
23 department of civil service as **REQUESTED BY** the board. ~~may, from~~
24 ~~time to time, request.~~

25 (4) **AN INDIVIDUAL IS INELIGIBLE TO SERVE AS A MEMBER OF THE**
26 **BOARD IF ANY OF THE FOLLOWING APPLY:**

27 (A) **THE INDIVIDUAL HAS, AT ANY TIME, BEEN REGISTERED AS A**

1 LOBBYIST OR LOBBYIST AGENT AS THOSE TERMS ARE DEFINED IN SECTION 5
2 OF 1978 PA 472, MCL 4.415.

3 (B) SUBJECT TO SUBSECTION (2), THE INDIVIDUAL HAS, AT ANY
4 TIME, SERVED AS AN ELECTED OR APPOINTED OFFICIAL OF THIS STATE,
5 EXCEPT THAT THE AUDITOR GENERAL OR HIS OR HER APPOINTEE MAY SERVE
6 AS A MEMBER.

7 (C) THE INDIVIDUAL HAS, AT ANY TIME, SERVED AS A MEMBER OF THE
8 HOUSE OF REPRESENTATIVES OR SENATE OF THIS STATE.

9 (D) THE INDIVIDUAL HAS BEEN CONVICTED OF A MISDEMEANOR OR
10 FELONY.

11 (5) IF A BOARD MEMBER OR A MEMBER OF HIS OR HER IMMEDIATE
12 FAMILY WOULD DERIVE A DIRECT AND SPECIFIC BENEFIT FROM A DECISION,
13 RECOMMENDATION, OR OPINION OF THE BOARD, THE MEMBER SHALL RECUSE
14 HIMSELF OR HERSELF FROM THE DISCUSSION AND THE VOTE ON THE ISSUE.

15 (6) A BOARD MEMBER OR A MEMBER OF HIS OR HER IMMEDIATE FAMILY
16 SHALL NOT ACCEPT A GIFT, A GRANT, A LOAN, LABOR, A CONTRIBUTION OF
17 MONEY OR PROPERTY, OR ANYTHING ELSE OF VALUE IF DOING SO MIGHT
18 RESULT IN THE APPEARANCE THAT THE IMPARTIALITY OF THE MEMBER HAS
19 BEEN COMPROMISED.

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

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

25 (a) Senate Bill No. _____ or House Bill No. 4489 (request no.
26 02454'17).

27 (b) Senate Bill No. _____ or House Bill No. 4491 (request no.

1 02455'17) .