

HOUSE BILL No. 6353

August 16, 2006, Introduced by Reps. Sheltroun, Stahl, Espinoza, Farrah, Bieda, Accavitti, Vagnozzi, Plakas, Lemmons, Jr. and Lemmons, III and referred to the Committee on Government Operations.

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

1 resources, property, and funds under the officer or employee's
2 official care and control judiciously and solely in accordance with
3 prescribed constitutional, statutory, and regulatory procedures and
4 not for personal gain or benefit.

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

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

23 (6) Except as provided in section 2a, a public officer or
24 employee shall not engage in or accept employment or render
25 services for a private or public interest when that employment or
26 service is incompatible or in conflict with the discharge of the
27 officer or employee's official duties or when that employment may

1 tend to impair his or her independence of judgment or action in the
2 performance of official duties.

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

9 (8) A PUBLIC OFFICER OR EMPLOYEE SHALL NOT DIRECTLY SUPERVISE
10 THE EMPLOYMENT OF OR PARTICIPATE IN A HIRING OR EMPLOYMENT STATUS
11 DECISION CONCERNING AN INDIVIDUAL WHO IS A CLOSE FAMILY MEMBER OF
12 THE PUBLIC OFFICER OR EMPLOYEE. THE CIVIL SERVICE COMMISSION MAY
13 ESTABLISH RULES TO PREVENT A VIOLATION OF THIS SUBSECTION AS TO
14 MEMBERS OF THE STATE CLASSIFIED CIVIL SERVICE. FOR PURPOSES OF THIS
15 SUBSECTION, "CLOSE FAMILY MEMBER" MEANS ANY OF THE FOLLOWING:

16 (A) A SPOUSE, CHILD, PARENT, SIBLING, GRANDCHILD, OR
17 GRANDPARENT.

18 (B) A SPOUSE OF A CHILD OR PARENT OF THE PUBLIC OFFICER OR
19 EMPLOYEE OR OF THE PUBLIC OFFICER'S OR EMPLOYEE'S SPOUSE.