

# HOUSE BILL No. 5255

January 19, 2012, Introduced by Reps. Lindberg, Constan, Irwin, Cavanagh and Tlaib and referred to the Committee on Redistricting and Elections.

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 an employee of this state or a political  
6 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  
9 ~~section~~**SECTIONS 2 (4) AND** 2b, public officer ~~shall include~~**INCLUDES**

1 an elected or appointed official of this state or a political  
2 subdivision of this state.

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

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

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

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

16 (4) A public officer or employee shall not solicit or accept a  
17 gift or loan of money, goods, services, or other thing of value for  
18 the benefit of a person or organization, other than the state,  
19 which tends to influence the manner in which the public officer or  
20 employee or another public officer or employee performs official  
21 duties. **A STATE ELECTED PUBLIC OFFICER, A PUBLIC EMPLOYEE ON THE  
22 STAFF OF A STATE ELECTED PUBLIC OFFICER, OR AN EMPLOYEE OF THIS  
23 STATE WHO IS A PARTISAN POLITICAL APPOINTEE SHALL NOT ACCEPT ANY  
24 GIFT OF MONETARY VALUE, INCLUDING FOOD OR BEVERAGES, FROM A  
25 LOBBYIST OR LOBBYIST AGENT AS DEFINED IN SECTION 5 OF 1978 PA 472,  
26 MCL 4.415.**

27 (5) A public officer or employee shall not engage in a

1 business transaction in which the public officer or employee may  
2 profit from his or her official position or authority or benefit  
3 financially from confidential information ~~which~~**THAT** the public  
4 officer or employee has obtained or may obtain by reason of that  
5 position or authority. Instruction ~~which~~**THAT** is not done during  
6 regularly scheduled working hours except for annual leave or  
7 vacation time ~~shall not be~~**IS NOT** considered a business transaction  
8 pursuant to this subsection if the instructor does not have any  
9 direct dealing with or influence on the employing or contracting  
10 facility associated with his or her course of employment with this  
11 state.

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

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