

HOUSE BILL No. 4491

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 section 5 (MCL 15.345).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) The board shall:

2 (a) Receive complaints concerning alleged unethical conduct by
3 a public officer or employee from any person or entity, inquire
4 into the circumstances surrounding the alleged unethical conduct,
5 and make recommendations concerning individual cases to the
6 appointing authority with supervisory responsibility for the person
7 whose activities have been investigated. All departments of state
8 government shall cooperate with the board of ethics in ~~the conduct~~
9 ~~of~~ **CONDUCTING** its investigations.

10 (b) Initiate investigations of practices that could affect

1 ethical conduct of a public officer or employee.

2 (c) Hold public hearings.

3 (d) Administer oaths and receive sworn testimony.

4 (e) Issue and publish advisory opinions upon request from a
5 public officer or employee or their appointing or supervisory
6 authority relating to matters affecting ethical conduct of a public
7 officer or employee.

8 **(F) SUBJECT TO SUBSECTION (6), MAKE AVAILABLE TO THE PUBLIC**
9 **ANNUALLY A REPORT OF THE BOARD'S ACTIONS, INVESTIGATIONS,**
10 **DECISIONS, AND OPINIONS, INCLUDING DISSENTS, COVERING THE PRECEDING**
11 **12-MONTH PERIOD.**

12 (2) In ~~the issuance of~~ **ISSUING** investigative reports and
13 recommendations and advisory opinions, the board shall be advised
14 as to legal matters by the attorney general.

15 (3) When **THE BOARD MAKES** a recommendation to an appointing
16 authority ~~is made by the board which~~ **THAT** affects a classified
17 employee, the appointing authority shall initiate appropriate
18 proceedings ~~in accordance with such~~ **PURSUANT TO THE** recommendation
19 and ~~pursuant to~~ the rules of the civil service commission.

20 (4) When **THE BOARD MAKES** a recommendation to an appointing
21 authority ~~is made by the board concerning~~ **THAT AFFECTS** an
22 unclassified employee or appointee, the appointing authority shall
23 take appropriate disciplinary action, which may include dismissal.

24 **(5) THE BOARD MAY MAKE RECOMMENDATIONS TO A PUBLIC BODY OR**
25 **POLITICAL SUBDIVISION OF THIS STATE REGARDING LEGISLATION, RULES,**
26 **OR ORDINANCES, CURRENT OR PROPOSED, THAT ARE RELATED TO THE ETHICAL**
27 **CONDUCT OF PUBLIC OFFICERS AND EMPLOYEES.**

1 (6) THE BOARD SHALL NOT INCLUDE IN ITS ANNUAL REPORT REQUIRED
2 UNDER SUBSECTION (1)(F) EITHER OF THE FOLLOWING:

3 (A) INFORMATION THAT IS CONFIDENTIAL.

4 (B) INFORMATION RELATED TO AN ONGOING CRIMINAL INVESTIGATION.

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

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

10 (a) Senate Bill No. _____ or House Bill No. _____ (request no.
11 02126'17).

12 (b) Senate Bill No. _____ or House Bill No. 4489 (request no.
13 02454'17).