

# SENATE BILL No. 1049

March 28, 2012, Introduced by Senators GLEASON and BIEDA 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 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:

Sec. 1. As used in this act:

(a) "Board" means the board of ethics.

(b) "Employee" means an employee, classified or unclassified, of the executive branch of this state. For the purpose of section 2b, employee ~~shall include~~ **INCLUDES** an employee of this state or a political subdivision of this state.

(c) "Public officer" means a person appointed by the governor or another executive department official. For the purpose of

~~section~~ **SECTIONS 2(8) 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—~~**THAT** tends to influence the manner in which the public  
20 officer or employee or another public officer or employee performs  
21 official duties.

22 (5) A public officer or employee shall not engage in a  
23 business transaction in which the public officer or employee may  
24 profit from his or her official position or authority or benefit  
25 financially from confidential information ~~which—~~**THAT** the public  
26 officer or employee has obtained or may obtain by reason of that  
27 position or authority. Instruction ~~which—~~**THAT** is not done during

1 regularly scheduled working hours except for annual leave or  
2 vacation time shall not be considered a business transaction  
3 ~~pursuant to~~ **UNDER** this subsection if the instructor does not have  
4 any direct dealing with or influence on the employing or  
5 contracting facility associated with his or her course of  
6 employment with this state.

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

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

20 **(8) A PUBLIC OFFICER SERVING IN AN ELECTED OFFICE OF A UNIT OF**  
21 **LOCAL GOVERNMENT, INCLUDING, BUT NOT LIMITED TO, A SCHOOL DISTRICT,**  
22 **SHALL NOT USE PUBLIC FUNDS OF THAT UNIT OF LOCAL GOVERNMENT FOR HIS**  
23 **OR HER TRAVEL TO, OR EXPENSES AT, A CONFERENCE OR SEMINAR DURING**  
24 **THE REMAINDER OF THE TERM OF OFFICE UNDER ANY OF THE FOLLOWING**  
25 **CONDITIONS:**

26 **(A) AFTER THE PUBLIC OFFICER IS DEFEATED IN A PRIMARY ELECTION**  
27 **FOR THE NEXT TERM OF THE OFFICE.**

1           (B) AFTER ELECTION RETURNS HAVE BEEN CERTIFIED INDICATING THAT  
2 ANOTHER INDIVIDUAL HAS BEEN ELECTED TO THE OFFICE.

3           (C) FOR A PUBLIC OFFICER WHO IS TERM-LIMITED OR HAS NOT FILED  
4 AS A CANDIDATE FOR REELECTION TO THE OFFICE, AFTER THE FILING  
5 DEADLINE FOR THE ELECTION FOR THE NEXT TERM OF OFFICE.