



HOUSE BILL No. 5100

November 4, 1999, Introduced by Reps. Brewer, Bovin, Kelly and Neumann and referred to the Committee on House Oversight and 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 the title and section 5 (MCL 15.345), the title as amended by 1980 PA 481, and by adding section 2f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to prescribe standards of conduct for public officers and employees; TO PRESCRIBE STANDARDS OF CONDUCT FOR FORMER PUBLIC OFFICERS AND EMPLOYEES; to create a state board of ethics and prescribe its powers and duties; and to prescribe remedies and penalties.

SEC. 2F. (1) UPON SEPARATION OF EMPLOYMENT WITH THIS STATE, A PUBLIC OFFICER OR EMPLOYEE CLASSIFIED AS A STATE EXECUTIVE SERVICE EMPLOYEE OR GROUP 4 EMPLOYEE BY THE DEPARTMENT OF CIVIL

1 SERVICE SHALL NOT WORK FOR OR TAKE COMPENSATION FROM AN
2 INDIVIDUAL OR ENTITY THAT OWNS OR OPERATES A BUSINESS THAT PER-
3 FORMS A SERVICE THAT WAS FORMERLY PERFORMED BY STATE EMPLOYEES IF
4 THAT PUBLIC OFFICER OR EMPLOYEE WAS INVOLVED WITH NEGOTIATING THE
5 CONTRACT FOR PERFORMING THE SERVICES THAT WERE PERFORMED BY STATE
6 EMPLOYEES FOR A PERIOD OF 1 YEAR AFTER THE DATE OF SEPARATION OF
7 STATE EMPLOYMENT. A PUBLIC OFFICER OR EMPLOYEE DESCRIBED IN THIS
8 SECTION IS NOT IN VIOLATION OF THIS SECTION IF, BEFORE SEPARATION
9 OF STATE EMPLOYMENT, THAT PUBLIC OFFICER OR EMPLOYEE OBTAINS A
10 WRITTEN STATEMENT FROM THE BOARD OF ETHICS THAT THE PUBLIC
11 OFFICER'S OR EMPLOYEE'S STATE EMPLOYMENT DID NOT SIGNIFICANTLY
12 AFFECT THE CONTRACT FOR SERVICES WITH THE INDIVIDUAL OR ENTITY
13 THAT THE PUBLIC OFFICER OR EMPLOYEE INTENDS TO WORK FOR SUBSE-
14 QUENT TO STATE EMPLOYMENT.

15 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A MIS-
16 DEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR
17 A FINE OF NOT MORE THAN \$3,000.00, OR BOTH.

18 Sec. 5. (1) The board shall DO ALL OF THE FOLLOWING:

19 (a) Receive complaints concerning alleged unethical conduct
20 by a public officer or employee from any person or entity,
21 inquire into the circumstances surrounding the alleged unethical
22 conduct, and make recommendations concerning individual cases to
23 the appointing authority with supervisory responsibility for the
24 person whose activities have been investigated. All departments
25 of state government shall cooperate with the board of ethics in
26 the conduct of its investigations.

1 (b) Initiate investigations of practices that could affect
2 ethical conduct of a public officer or employee.

3 (c) Hold public hearings.

4 (d) Administer oaths and receive sworn testimony.

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

9 (F) EVALUATE AND MAKE A WRITTEN DETERMINATION WHEN REQUESTED
10 AND AS PROVIDED UNDER SECTION 2F.

11 (2) In the issuance of investigative reports and recommenda-
12 tions and advisory opinions, the board shall be advised as to
13 legal matters by the attorney general.

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

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