

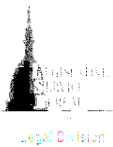
# HOUSE BILL NO. 4950

September 12, 2019, 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,



1 and make recommendations concerning individual cases to the  
2 appointing authority with supervisory responsibility for the person  
3 whose activities have been investigated. All departments of state  
4 government shall cooperate with the board of ethics in ~~the conduct~~  
5 ~~of conducting~~ its investigations.

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

8 (c) Hold public hearings.

9 (d) Administer oaths and receive sworn testimony.

10 (e) Issue and publish advisory opinions upon request from a  
11 public officer or employee or ~~their~~ **his or her** appointing or  
12 supervisory authority relating to matters affecting ethical conduct  
13 of a public officer or employee.

14 (f) **Subject to subsection (6), make available to the public**  
15 **annually a report of the board's actions, investigations,**  
16 **decisions, and opinions, including dissents, covering the preceding**  
17 **12-month period.**

18 (2) In ~~the issuance of~~ **issuing** investigative reports and  
19 recommendations and advisory opinions, the board shall be advised  
20 as to legal matters by the attorney general.

21 (3) ~~When~~ **If the board makes** a recommendation to an appointing  
22 authority ~~is made by the board which~~ **that** affects a classified  
23 employee, the appointing authority shall initiate appropriate  
24 proceedings ~~in accordance with such~~ **pursuant to the** recommendation  
25 and ~~pursuant to~~ the rules of the civil service commission.

26 (4) ~~When~~ **If the board makes** a recommendation to an appointing  
27 authority ~~is made by the board concerning~~ **that affects** an  
28 unclassified employee or appointee, the appointing authority shall  
29 take appropriate disciplinary action, which may include dismissal.



1           (5) The board may make recommendations to a public body or  
2 political subdivision of this state regarding legislation, rules,  
3 or ordinances, current or proposed, that are related to the ethical  
4 conduct of public officers and employees.

5           (6) The board shall not include in its annual report required  
6 under subsection (1)(f) either of the following:

7           (a) Information that is confidential.

8           (b) Information related to an ongoing criminal investigation.

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

11           Enacting section 2. This amendatory act does not take effect  
12 unless Senate Bill No.\_\_\_\_ or House Bill No. 4952 (request no.  
13 01117'19 \*) of the 100th Legislature is enacted into law.

