

# HOUSE BILL No. 5108

October 1, 2003, Introduced by Reps. Ruth Johnson, Stahl, Pappageorge, Koetje, Rocca, Garfield, Tobocman, Voorhees, Stakoe, Milosch, Woodward, Drolet, Robertson, Brandenburg, Hager and Amos and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
(MCL 380.1 to 380.1852) by adding section 634.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 634. (1) If an officer or employee of an intermediate  
2 school district has a conflict of interest or knows or has reason  
3 to believe that another officer or employee has a conflict of  
4 interest, the officer or employee shall promptly report that  
5 conflict of interest to the intermediate school board. The  
6 report shall include the name of the officer or employee and the  
7 basis for the belief that there is a conflict of interest.

8       (2) Upon receipt of a report under subsection (1), an  
9 intermediate school board shall promptly do all of the  
10 following:

11       (a) Make a determination of whether or not an actual conflict

1 of interest does exist. This determination shall be made by  
2 majority vote of the members serving and present, conducted at an  
3 open meeting.

4 (b) If it is determined under subdivision (a) that an actual  
5 conflict of interest does exist, take all actions required by law  
6 applicable to the conflict of interest and any other actions it  
7 considers appropriate regarding the conflict of interest.

8 (3) As used in this section, "conflict of interest" means a  
9 situation in which the private interest of an officer or employee  
10 may influence the judgment of the officer or employee in the  
11 performance of his or her public duty. A conflict of interest  
12 includes, but is not limited to, the following:

13 (a) Acceptance of any form of compensation other than from  
14 the intermediate school district for any services rendered as  
15 part of the official duties of the officer or employee for the  
16 intermediate school district.

17 (b) Participation in any business being transacted with or  
18 before the intermediate school board in which the officer or  
19 employee or his or her parent, spouse, or child has a financial  
20 interest.

21 (c) Use of the position, title, or any related authority of  
22 the officer or employee in a manner designed for personal gain or  
23 benefit.

24 (d) Demonstration, through work or other action in the  
25 performance of the official duties of the officer or employee, of  
26 any preferential attitude or treatment of any person in  
27 transacting business with the intermediate school district.