

HOUSE BILL NO. 4041

January 24, 2023, Introduced by Reps. Steele, Kuhn, Aragona, Greene, Schuette and Beson and referred to the Committee on Regulatory Reform.

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 2 (MCL 15.342), as amended by 1984 PA 53.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) A public officer or employee shall not divulge to
2 an unauthorized person, confidential information acquired in the
3 course of employment in advance of the time prescribed for its
4 authorized release to the public.

5 (2) A public officer or employee shall not represent ~~his or~~

1 ~~her~~ **the public officer's or employee's** personal opinion as that of
2 an agency.

3 (3) A public officer or employee shall use personnel
4 resources, property, and funds under the ~~officer~~ **public officer's**
5 or employee's official care and control judiciously and solely in
6 accordance with prescribed constitutional, statutory, and
7 regulatory procedures and not for personal gain or benefit.

8 (4) A public officer or employee shall not solicit or accept a
9 gift or loan of money, goods, services, or other thing of value for
10 the benefit of a person or organization, other than the state,
11 which tends to influence the manner in which the public officer or
12 employee or another public officer or employee performs official
13 duties.

14 (5) A public officer or employee shall not engage in a
15 business transaction in which the public officer or employee may
16 profit from ~~his or her~~ **the public officer's or employee's** official
17 position or authority or benefit financially from confidential
18 information ~~which~~ **that** the public officer or employee has obtained
19 or may obtain ~~by reason~~ **because** of that position or authority.
20 Instruction ~~which~~ **that** is not done during regularly scheduled
21 working hours except for annual leave or vacation time ~~shall~~ **is** not
22 ~~be~~ considered a business transaction ~~pursuant to~~ **under** this
23 subsection if the instructor does not have any direct dealing with
24 or influence on the employing or contracting facility associated
25 with ~~his or her~~ **the instructor's** course of employment with this
26 state.

27 (6) Except as provided in section 2a, a public officer or
28 employee shall not engage in or accept employment or render
29 services for a private or public interest ~~when~~ **if** that employment

1 or service is incompatible or in conflict with the discharge of the
2 ~~officer~~ **public officer's** or employee's official duties or ~~when~~ **if**
3 that employment may tend to impair ~~his or her~~ **the public officer's**
4 **or employee's** independence of judgment or action in the performance
5 of official duties.

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

12 (8) **A public officer or employee shall not use TikTok on an**
13 **electronic device that is owned, managed, or controlled by the**
14 **public officer's or employee's employer. As used in this**
15 **subsection, "TikTok" means the short-form video hosting service**
16 **owned by the Chinese company ByteDance.**