

HOUSE BILL NO. 5254

August 17, 2021, Introduced by Rep. Lightner 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 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.

1 (2) A public officer or employee shall not represent his or
2 her personal opinion as that of an agency.

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

8 (4) ~~A~~**Except as otherwise provided in subsection (5),** a public
9 officer or employee shall not solicit or accept a gift or loan of
10 money, goods, services, or other thing of value for the benefit of
11 a person or organization, other than the state, which tends to
12 influence the manner in which the public officer or employee or
13 another public officer or employee performs official duties.

14 **(5) The secretary of state shall not accept a gift of money or**
15 **goods from a nongovernmental entity.**

16 (6) ~~(5)~~A public officer or employee shall not engage in a
17 business transaction in which the public officer or employee may
18 profit from his or her official position or authority or benefit
19 financially from confidential information ~~which~~**that** the public
20 officer or employee has obtained or may obtain by reason of that
21 position or authority. Instruction ~~which~~**that** is not done during
22 regularly scheduled working hours except for annual leave or
23 vacation time ~~shall is~~ not ~~be~~ considered a business transaction
24 ~~pursuant to~~**under** this subsection if the instructor does not have
25 any direct dealing with or influence on the employing or
26 contracting facility associated with his or her course of
27 employment with this state.

28 (7) ~~(6)~~Except as provided in section 2a, a public officer or
29 employee shall not engage in or accept employment or render

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

6 **(8)** ~~(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.