

SENATE BILL No. 1223

April 20, 2006, Introduced by Senators SWITALSKI, SCHAUER, OLSHOVE, CHERRY, JACOBS, BASHAM, BARCIA, BRATER and WHITMER and referred to the Committee on Government Operations.

A bill to amend 1968 PA 317, entitled

"An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts,"

by amending sections 1, 3a, and 8 (MCL 15.321, 15.323a, and 15.328), section 3a as amended by 1996 PA 203 and section 8 as amended by 1997 PA 145.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Public servant" includes ~~all persons serving any public~~
3 ~~entity, except members of the legislature and state officers who~~
4 ~~are within the provisions of section 10 of article 4 of the state~~
5 ~~constitution as implemented by legislative act.~~ **ANY INDIVIDUAL**
6 **SERVING A PUBLIC ENTITY WITHIN THIS STATE, EXCEPT THE FOLLOWING:**

1 (i) A JUSTICE OF THE SUPREME COURT OR A JUDGE OF A COURT OF
2 RECORD.

3 (ii) AN INDIVIDUAL SUBJECT TO THE ETHICS ACT FOR EXECUTIVE
4 BRANCH OFFICIALS AND EMPLOYEES.

5 (iii) AN INDIVIDUAL SUBJECT TO THE LEGISLATIVE ETHICS ACT.

6 (b) "Public entity" means ~~the state including all agencies~~
7 ~~thereof, any public body corporate within the state, including all~~
8 ~~agencies thereof, or any non-incorporated public body within the~~
9 ~~state of whatever nature, including all agencies thereof~~ THIS
10 STATE OR A PUBLIC OR GOVERNMENTAL ENTITY WITHIN THIS STATE,
11 INCLUDING, BUT NOT LIMITED TO, A DEPARTMENT, AGENCY, BRANCH,
12 POLITICAL SUBDIVISION, OR PUBLIC BODY CORPORATE OF THIS STATE, OR A
13 PUBLIC BODY CORPORATE OF 1 OR MORE POLITICAL SUBDIVISIONS OF THIS
14 STATE.

15 Sec. 3a. Section 2 shall not be construed to do any of the
16 following:

17 (a) Prohibit public servants of a city, village, township, or
18 county with a population of less than 25,000 from serving, with or
19 without compensation, as emergency medical services personnel as
20 defined in section 20904 of the public health code, ~~Act No. 368 of~~
21 ~~the Public Acts of 1978, being section 333.20904 of the Michigan~~
22 ~~Compiled Laws~~ 1978 PA 368, MCL 333.20904.

23 (b) Prohibit A public ~~servants~~ SERVANT of a city, village,
24 township, or county with a population of less than 25,000 from
25 serving, with or without compensation, as a firefighter in that
26 city, village, township, or county if that firefighter is not any
27 of the following:

1 (i) A full-time firefighter.

2 (ii) A fire chief.

3 (iii) A person who negotiates with the city, village, township,
4 or county on behalf of the firefighters.

5 (c) Limit the authority of the governing body of a city,
6 village, township, or county with a population of less than 25,000
7 to authorize a public servant to perform, with or without
8 compensation, other additional services for the unit of local
9 government.

10 ~~—— (d) Prohibit public servants of this state from purchasing at~~
11 ~~a tax sale lands returned as delinquent for taxes under the general~~
12 ~~property tax act, Act No. 206 of the Public Acts of 1893, being~~
13 ~~sections 211.1 to 211.157 of the Michigan Compiled Laws, unless~~
14 ~~otherwise prohibited by the rules of the Michigan civil service~~
15 ~~commission or the department or agency of which that public servant~~
16 ~~is an employee.~~

17 Sec. 8. ~~It is the intention that this act shall~~ **THIS ACT IS**
18 **INTENDED TO** constitute the sole law in this state ~~and shall~~
19 ~~supersede all other acts in respect to~~ **RESPECTING** conflicts of
20 interest relative to public contracts ~~—~~ involving public
21 servants, ~~other than members of the legislature and state~~
22 ~~officers, including but not limited to section 30 of 1851 PA 156,~~
23 ~~MCL 46.30~~ **AND SUPERSEDES ALL OTHER ACTS ON THE SUBJECT.** This act
24 does not prohibit a unit of local government from adopting ~~an~~
25 ~~ordinance~~ or enforcing an ~~existing~~ ordinance relating to
26 conflict of interest ~~in~~ **ON** subjects other than public contracts
27 involving public servants.

1 Enacting section 1. This amendatory act does not take effect
2 unless all of the following bills of the 93rd Legislature are
3 enacted into law:

4 (a) Senate Bill No. 1218.

5

6 (b) Senate Bill No. 1217.

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