

HOUSE BILL No. 4190

February 1, 2007, Introduced by Reps. Sheltroun, Rick Jones, Gonzales, Mayes, Vagnozzi and Stahl and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

A bill to amend 1978 PA 566, entitled

"An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies,"

by amending section 3 (MCL 15.183), as amended by 2004 PA 110.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) Section 2 does not prohibit a public officer's or
2 public employee's appointment or election to, or membership on, a
3 governing board of an institution of higher education. However, a
4 public officer or public employee shall not be a member of
5 governing boards of more than 1 institution of higher education
6 simultaneously, and a public officer or public employee shall not
7 be an employee and member of a governing board of an institution of

1 higher education simultaneously.

2 (2) Section 2 does not prohibit a member of a school board of
3 1 school district from being a superintendent of schools of another
4 school district.

5 (3) Section 2 does not prohibit a public officer or public
6 employee of a city, village, township, school district, community
7 college district, or county from being appointed to and serving as
8 a member of the board of a tax increment finance authority under
9 the tax increment finance authority act, 1980 PA 450, MCL 125.1801
10 to 125.1830, a downtown development authority under 1975 PA 197,
11 MCL 125.1651 to 125.1681, a local development finance authority
12 under the local development financing act, 1986 PA 281, MCL
13 125.2151 to 125.2174, or a brownfield redevelopment authority under
14 the brownfield redevelopment financing act, 1996 PA 381, MCL
15 125.2651 to 125.2672.

16 (4) SECTION 2 DOES NOT PROHIBIT A PUBLIC OFFICER OR PUBLIC
17 EMPLOYEE OF A COUNTY HAVING A POPULATION OF LESS THAN 25,000 FROM
18 SERVING, WITH OR WITHOUT COMPENSATION, AS A PUBLIC OFFICER OR
19 PUBLIC EMPLOYEE OF A CITY, VILLAGE, OR TOWNSHIP WITHIN THE COUNTY.
20 A PERSON THAT QUALIFIES UNDER THIS SUBSECTION, WHILE SERVING AS A
21 PUBLIC OFFICER OR PUBLIC EMPLOYEE OF THE COUNTY, SHALL ABSTAIN FROM
22 PARTICIPATING IN OR VOTING ON ANY MATTER THAT DIRECTLY IMPACTS OR
23 INVOLVES THE CITY, VILLAGE, OR TOWNSHIP IN WHICH HE OR SHE IS A
24 PUBLIC OFFICER OR PUBLIC EMPLOYEE.

25 (5) ~~(4)~~ Section 2 does not do any of the following:

26 (a) Prohibit public officers or public employees of a city,
27 village, township, or county having a population of less than

1 25,000 from serving, with or without compensation, as emergency
2 medical services personnel as defined in section 20904 of the
3 public health code, 1978 PA 368, MCL 333.20904.

4 (b) Prohibit public officers or public employees of a city,
5 village, township, or county having a population of less than
6 25,000 from serving, with or without compensation, as a firefighter
7 in that city, village, township, or county if that firefighter is
8 not any of the following:

9 (i) A full-time firefighter.

10 (ii) A fire chief.

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

13 (c) Limit the authority of the governing body of a city,
14 village, township, or county having a population of less than
15 25,000 to authorize a public officer or public employee to perform,
16 with or without compensation, other additional services for the
17 unit of local government.

18 (6) ~~(5)~~—This section does not relieve a person from otherwise
19 meeting statutory or constitutional qualifications for eligibility
20 to, or the continued holding of, a public office.

21 (7) ~~(6)~~—This section does not allow or sanction activity
22 constituting conflict of interest prohibited by the constitution or
23 laws of this state.

24 (8) ~~(7)~~—This section does not allow or sanction specific
25 actions taken in the course of performance of duties as a public
26 official or as a member of a governing body of an institution of
27 higher education that would result in a breach of duty as a public

1 officer or board member.

2 (9) ~~(8)~~—Section 2 does not prohibit a public officer or public
3 employee of a community mental health services program as defined
4 in section 100a of the mental health code, 1974 PA 258, MCL
5 330.1100a, from serving as a public officer or public employee of a
6 separate legal or administrative entity created by 2 or more
7 community mental health services programs under the urban
8 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
9 124.512, a joint board or commission created under 1967 (Ex Sess)
10 PA 8, MCL 124.531 to 124.536, or a regional entity created under
11 section 204b of the mental health code, 1974 PA 258, MCL 330.1204b,
12 whether or not the separate legal or administrative entity, joint
13 board or commission, or regional entity may enter into contracts or
14 agreements with 1 or more of the community mental health services
15 programs.