

SENATE BILL No. 701

September 4, 2007, Introduced by Senators JELINEK, SCHAUER, GLEASON and CLARKE and referred to the Committee on Education.

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

1 simultaneously, and a public officer or public employee shall not
2 be an employee and member of a governing board of an institution of
3 higher education simultaneously.

4 (2) Section 2 does not prohibit a member of a school board of
5 1 school district from being a superintendent of schools of another
6 school district.

7 (3) Section 2 does not prohibit a public officer or public
8 employee of a city, village, township, school district, community
9 college district, or county from being appointed to and serving as
10 a member of the board of a tax increment finance authority under
11 the tax increment finance authority act, 1980 PA 450, MCL 125.1801
12 to 125.1830, a downtown development authority under 1975 PA 197,
13 MCL 125.1651 to 125.1681, a local development finance authority
14 under the local development financing act, 1986 PA 281, MCL
15 125.2151 to 125.2174, or a brownfield redevelopment authority under
16 the brownfield redevelopment financing act, 1996 PA 381, MCL
17 125.2651 to 125.2672.

18 (4) Section 2 does not do any of the following:

19 (a) Prohibit public officers or public employees of a city,
20 village, township, or county having a population of less than
21 25,000 from serving, with or without compensation, as emergency
22 medical services personnel as defined in section 20904 of the
23 public health code, 1978 PA 368, MCL 333.20904.

24 (b) Prohibit public officers or public employees of a city,
25 village, township, or county having a population of less than
26 25,000 from serving, with or without compensation, as a firefighter
27 in that city, village, township, or county if that firefighter is

1 not any of the following:

2 (i) A full-time firefighter.

3 (ii) A fire chief.

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

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

11 (5) This section does not relieve a person from otherwise
12 meeting statutory or constitutional qualifications for eligibility
13 to, or the continued holding of, a public office.

14 (6) This section does not allow or sanction activity
15 constituting conflict of interest prohibited by the constitution or
16 laws of this state.

17 (7) This section does not allow or sanction specific actions
18 taken in the course of performance of duties as a public official
19 or as a member of a governing body of an institution of higher
20 education that would result in a breach of duty as a public officer
21 or board member.

22 (8) Section 2 does not prohibit a public officer or public
23 employee of a community mental health services program as defined
24 in section 100a of the mental health code, 1974 PA 258, MCL
25 330.1100a, from serving as a public officer or public employee of a
26 separate legal or administrative entity created by 2 or more
27 community mental health services programs under the urban

1 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
2 124.512, a joint board or commission created under 1967 (Ex Sess)
3 PA 8, MCL 124.531 to 124.536, or a regional entity created under
4 section 204b of the mental health code, 1974 PA 258, MCL 330.1204b,
5 whether or not the separate legal or administrative entity, joint
6 board or commission, or regional entity may enter into contracts or
7 agreements with 1 or more of the community mental health services
8 programs.

9 (9) SECTION 2 DOES NOT PROHIBIT A MEMBER OF A SCHOOL BOARD
10 FROM BEING APPOINTED TO OR SERVING AS A VOLUNTEER COACH OR
11 SUPERVISOR OF A STUDENT EXTRACURRICULAR ACTIVITY IF ALL OF THE
12 FOLLOWING CONDITIONS ARE PRESENT:

13 (A) THE SCHOOL BOARD MEMBER RECEIVES NO COMPENSATION FOR
14 SERVICE AS A VOLUNTEER COACH OR SUPERVISOR.

15 (B) DURING THE PERIOD HE OR SHE SERVES AS A VOLUNTEER, THE
16 SCHOOL BOARD MEMBER ABSTAINS FROM VOTING ON ISSUES BEFORE THE
17 SCHOOL BOARD CONCERNING THAT PROGRAM.

18 (C) THERE IS NO OTHER QUALIFIED APPLICANT AVAILABLE TO FILL A
19 VACANT POSITION.