

Legislative Analysis



PUBLIC SERVANTS SERVING AS CERTAIN PUBLIC SAFETY OFFICERS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 605 (S-2) as passed by the Senate
Sponsor: Sen. Dale Zorn
House Committee: Local Government
Senate Committee: Local Government

Analysis available at
<http://www.legislature.mi.gov>

Complete to 2-26-18

SUMMARY:

Senate Bill 605 would amend Public Act 317 of 1968, which governs contracts of public servants with public entities. The bill would expand the pool of public servants in small communities who are eligible to serve as police, fire, and medical personnel.

Section 2 of the act generally prohibits public servants from taking part in negotiations or being party to a contract with a public entity. However, Section 3a states that this does not limit public servants in a city, village, township, or county with a population of under 25,000 from serving as emergency medical services personnel or firefighters (as long as the firefighter is not full-time, the fire chief, or a person who negotiates on behalf of the firefighters).

The bill would raise the population threshold to 40,000. It would also expand the professions allowed under the act, so that public servants would be able to serve as a firefighter, fire chief, police officer, chief of police, or public safety officer as long as they do not negotiate collective bargaining agreements with the local unit on behalf of any of those groups. Public servants would also be able to serve as emergency services personnel, with the population threshold likewise raised from 25,000 to 40,000.

According to testimony before the Senate Local Government Committee, Public Act 317 of 1968 and the Incompatible Public Offices Act¹ have traditionally mirrored one another. However, when amendments similar to those in the bill were made to the Incompatible Public Offices Act in 2015,² the population threshold was not raised in PA 317. The bill would effect that change.

The bill would take effect 90 days after enactment.

MCL 15.323a

¹ Public Act 566 of 1978: <http://www.legislature.mi.gov/documents/mcl/pdf/mcl-Act-566-of-1978.pdf>

² Public Act 134 of 2015 (House Bill 4070): <http://legislature.mi.gov/doc.aspx?2015-SB-0134>

FISCAL IMPACT:

Senate Bill 605 would have an indeterminate fiscal impact on local units of government. Presumably, local units of government would use the provisions of the bill to decrease costs. Any fiscal impact would depend on the decisions of each local unit of government impacted by the provisions of the bill as they relate to the number of eligible emergency services and public safety positions public servants were authorized to dually serve in and the compensation provided to public servants serving in any of those positions.

There would be no fiscal impact on state government.

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Ben Gielczyk

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.