

Act No. 10
Public Acts of 1992
Approved by the Governor
March 10, 1992
Filed with the Secretary of State
March 10, 1992

**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1992**

Introduced by Reps. Van Singel, Alley, Gagliardi, Bobier, Middaugh, Nye, Ouwinga, Brackenridge, Strand, Bodem, Dalman, Dresch, Oxender, Hickner, DeBeaussaert, Griffin, Allen, Hillegonds, Willis Bullard, DeLange, London, McNutt and Walberg

ENROLLED HOUSE BILL No. 4263

AN ACT to amend section 3 of Act No. 566 of the Public Acts of 1978, 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," as amended by Act No. 72 of the Public Acts of 1984, being section 15.183 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 3 of Act No. 566 of the Public Acts of 1978, as amended by Act No. 72 of the Public Acts of 1984, being section 15.183 of the Michigan Compiled Laws, is amended to read as follows:

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

(2) Section 2 shall not be construed to prohibit a member of a school board of 1 school district from being a superintendent of schools of another school district.

(3) Section 2 shall not be construed to prohibit a public officer or public employee of a city, school district, community college district, or county from being appointed to and serving as a member of the board of a tax increment finance authority established pursuant to the tax increment finance authority act, Act No. 450 of the Public Acts of 1980, being sections 125.1801 to 125.1830 of the Michigan Compiled Laws or a downtown development authority pursuant to Act No. 197 of the Public Acts of 1975, being sections 125.1651 to 125.1681 of the Michigan Compiled Laws, or a local development finance authority established pursuant to the local development financing act, Act No. 281 of the Public Acts of 1986, being sections 125.2151 to 125.2174 of the Michigan Compiled Laws.

(4) Section 2 shall not be construed to do any of the following:

(a) Prohibit public officers or public employees of a city, village, township, or county having a population of less than 25,000 from serving, with or without compensation, as emergency medical services personnel as defined in section 20904 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.20904 of the Michigan Compiled Laws.

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

(i) A full-time firefighter.

(ii) A fire chief.

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

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

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

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

(7) This section shall not be construed to allow or sanction specific actions taken in the course of performance of duties as a public official or as a member of a governing body of an institution of higher education which would result in a breach of duty as a public officer or board member.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.