

Act No. 317  
Public Acts of 1994  
Approved by the Governor  
October 05, 1994  
Filed with the Secretary of State  
October 06, 1994

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1994**

**Introduced by Reps Lowe Brackenridge Dobronski Weeks Voorhees Crissman DeLange Hammerstrom  
Porreca Bullard Byrum Pitoniak Wetters Anthony Shugars and Cropsey**

# **ENROLLED HOUSE BILL No. 5535**

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 10 of the Public Acts of 1992 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 10 of the Public Acts of 1992 being section 15 183 of the Michigan Compiled Laws is amended to read as follows

Sec 3 (1) Section 2 does not 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 governing boards of more than 1 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 does not prohibit a member of a school board of 1 school district from being a superintendent of schools of another school district

(3) Section 2 does not prohibit a public officer or public employee of a city village township 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 a downtown development authority established 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 does not 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 does not 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 that would result in a breach of duty as a public officer or board member

This act is ordered to take immediate effect

Co Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor