



# HOUSE BILL No. 5535

May 5 1994 Introduced by Reps Lowe Brackenridge Dobronski Weeks Voorhees  
Crissman DeLange Hammerstrom Porreca Bullard Byrum Pitomak Wetters Anthony  
Shugars and Cropsey and referred to the Committee on Local Government

A bill 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 sec-  
tion 15 183 of the Michigan Compiled Laws

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 3 of Act No 566 of the Public Acts of  
2 1978 as amended by Act No 10 of the Public Acts of 1992 being  
3 section 15 183 of the Michigan Compiled Laws, is amended to read  
4 as follows

5 Sec 3 (1) Section 2 ~~shall~~ DOES not ~~be construed to~~  
6 prohibit a public officer s or public employee s appointment or  
7 election to, or membership on, a governing board of an

1 institution of higher education However, a public officer or  
 2 public employee shall not be a member of ~~more than 1~~ governing  
 3 ~~board~~ BOARDS of ~~an~~ MORE THAN 1 institution of higher educa-  
 4 tion simultaneously, and a public officer or public employee  
 5 shall not be an employee and member of a governing board of an  
 6 institution of higher education simultaneously

7 (2) Section 2 ~~shall~~ DOES not ~~be construed to~~ prohibit a  
 8 member of a school board of 1 school district from being a super-  
 9 intendent of schools of another school district

10 (3) Section 2 ~~shall~~ DOES not ~~be construed to~~ prohibit a  
 11 public officer or public employee of a city VILLAGE TOWNSHIP  
 12 school district, community college district or county from being  
 13 appointed to and serving as a member of the board of a tax incre-  
 14 ment finance authority established pursuant to the tax increment  
 15 finance authority act Act No 450 of the Public Acts of 1980  
 16 being sections 125 1801 to 125 1830 of the Michigan Compiled  
 17 Laws ~~or~~ a downtown development authority ESTABLISHED pursuant  
 18 to Act No 197 of the Public Acts of 1975 being sections  
 19 125 1651 to 125 1681 of the Michigan Compiled Laws or a local  
 20 development finance authority established pursuant to the local  
 21 development financing act, Act No 281 of the Public Acts of  
 22 1986 being sections 125 2151 to 125 2174 of the Michigan  
 23 Compiled Laws

24 (4) Section 2 ~~shall~~ DOES not ~~be construed to~~ do any of  
 25 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, Act No 368 of the Public Acts of 1978, being  
4 section 333 20904 of the Michigan Compiled Laws

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

10 (i) A full-time firefighter

11 (ii) A fire chief

12 (iii) A person who negotiates with the city village town-  
13 ship, or county on behalf of the firefighters

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

19 (5) This section does not relieve a person from otherwise  
20 meeting statutory or constitutional qualifications for eligibil-  
21 ity to or the continued holding of a public office

22 (6) This section does not apply to allow or sanction activ-  
23 ity constituting conflict of interest prohibited by the constitu-  
24 tion or laws of this state

25 (7) This section ~~shall~~ DOES not ~~be construed to~~ allow or  
26 sanction specific actions taken in the course of performance of  
27 duties as a public official or as a member of a governing body of

1 an institution of higher education ~~which~~ THAT would result in a  
2 breach of duty as a public officer or board member