

SENATE BILL NO. 271

February 4, 1999, Introduced by Senators SCHUETTE, GOUGEON,
MC MANUS, STEIL, STILLE, GOSCHKA, BENNETT and BULLARD and
referred to the Committee on Economic Development,
International Trade and Regulatory Affairs.

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 1994 PA 317.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

4 (3) Section 2 does not prohibit a public officer or public
 5 employee of a city, village, township, school district, community
 6 college district, or county from being appointed to and serving
 7 as a member of the board of a tax increment finance authority
 8 ~~established pursuant to~~ UNDER the tax increment finance author-
 9 ity act, ~~Act No. 450 of the Public Acts of 1980, being sections~~
 10 ~~125.1801 to 125.1830 of the Michigan Compiled Laws~~ 1980 PA 450,
 11 MCL 125.1801 TO 125.1830, a downtown development authority
 12 ~~established pursuant to Act No. 197 of the Public Acts of 1975,~~
 13 ~~being sections 125.1651 to 125.1681 of the Michigan Compiled~~
 14 ~~Laws, or~~ UNDER 1975 PA 197, MCL 125.1651 TO 125.1681, a local
 15 development finance authority ~~established pursuant to~~ UNDER the
 16 local development financing act, ~~Act No. 281 of the Public Acts~~
 17 ~~of 1986, being sections 125.2151 to 125.2174 of the Michigan~~
 18 ~~Compiled Laws~~ 1986 PA 281, MCL 125.2151 TO 125.2174, OR A
 19 BROWNFIELD REDEVELOPMENT AUTHORITY UNDER THE BROWNFIELD REDEVEL-
 20 OPMENT FINANCING ACT, 1996 PA 381, MCL 125.2651 TO 125.2672.

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

22 (a) Prohibit public officers or public employees of a city,
 23 village, township, or county having a population of less than
 24 25,000 from serving, with or without compensation, as emergency
 25 medical services personnel as defined in section 20904 of the
 26 public health code, ~~Act No. 368 of the Public Acts of 1978,~~

1 ~~being section 333.20904 of the Michigan Compiled Laws~~ 1978 PA
2 368, MCL 333.20904.

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

8 (i) A full-time firefighter.

9 (ii) A fire chief.

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

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

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

20 (6) This section does not ~~apply to~~ allow or sanction
21 activity constituting conflict of interest prohibited by the con-
22 stitution or laws of this state.

23 (7) This section does not allow or sanction specific actions
24 taken in the course of performance of duties as a public official
25 or as a member of a governing body of an institution of higher
26 education that would result in a breach of duty as a public
27 officer or board member.