



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4939 (Substitute H-2 as passed by the House)
Sponsor: Representative David M. Knezek, Jr.
House Committee: Local Government
Senate Committee: Local Government and Elections

Date Completed: 2-5-14

CONTENT

The bill would amend Public Act 566 of 1978, which prohibits a public officer or public employee from holding incompatible offices, to expand exceptions to that prohibition for certain positions in local units of government with a population of less than 25,000. The bill would do the following:

- **Include serving as a police officer or public safety officer in an exception that allows public officers or employees to serve as firefighters.**
- **Increase the population ceiling to less than 100,000 for that exception, as well as an exception that allows public officers or employees to serve as emergency medical services personnel or perform additional services.**
- **Delete a provision under which the exception for firefighters does not apply to service as a full-time firefighter or fire chief.**
- **Delete a provision allowing a public officer or employee of a municipality with a population of less than 3,000 to serve as its fire chief.**

Section 2 of the Act prohibits a public officer or employee from holding two or more incompatible offices at the same time, subject to specific exceptions. (The Act defines "incompatible offices" as public offices held by a public official that, when he or she is performing the duties of any of the offices, results in the subordination of one public office to another, the supervision of one public office by another, or a breach of duty of public office.)

Firefighter & Police Revisions

The Act states that Section 2 does not prohibit a public officer or public employee 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 local unit, if the firefighter is not any of the following:

- A full-time firefighter.
- A fire chief.
- A person who negotiates with the local unit on behalf of the firefighters.

Under the bill, Section 2 instead would not prohibit a public officer or public employee of a city, village, township, or county with a population of less than 100,000 from serving, with or without compensation, as a firefighter, police officer, or public safety officer in that local

unit, if he or she were not a person who negotiated a collective bargaining agreement with the local unit on behalf of firefighters, police officers, or public safety officers.

The Act provides that Section 2 does not prohibit a public officer or public employee of a city, village, township, or county having a population of less than 3,000 from serving, with or without compensation, as a fire chief in that local unit. The bill would delete that provision.

EMS Personnel & Other Additional Services

The Act states that Section 2 does not 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. In addition, Section 2 does not limit the authority of the governing body of a city, village, township, or county with a population of less than 25,000 to authorize a public officer or public employee to perform other additional services for the local unit, with or without compensation. Under the bill, those provisions would apply to a public officer or public employee of a local unit with a population of less than 100,000.

MCL 15.183

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

S1314\4939sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.