

SENATE BILL NO. 1363

November 10, 1998, Introduced by Senator SCHUETTE 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.