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BILL



ANALYSIS

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Senate Bill 15 (as introduced 1-19-11)  
Sponsor: Senator Mark C. Jansen  
Committee: Local Government and Elections

Date Completed: 6-5-12

### **CONTENT**

**The bill would create the "Public Employee Qualification Act" to prohibit a public employer from employing an individual in a position that was policy-making or that had discretionary authority over public assets unless the individual submitted an affidavit stating that he or she had not been convicted within the previous 20 years of certain felonies related to his or her official capacity while holding an elective office or position of public employment.**

Specifically, a public employer would be prohibited from hiring an individual for or transferring an individual to a position that was policy-making or that had discretionary authority over public assets, unless the individual submitted an affidavit stating that he or she had not been convicted within the immediately preceding 20 years of a felony involving dishonesty, deceit, fraud, or a breach of the public trust that was related to his or her official capacity while holding an elective office or position of employment in local, State, or Federal government. An individual who submitted a false affidavit would be guilty of perjury.

("Public employer" would mean the State of Michigan; a city, village, township, or county; or a department, board, agency, institution, commission, authority, division, council, college, university, school district, intermediate school district, special district, or other public entity of the State or of one or more cities, villages, townships, or counties.)

If a public employer had reason to believe that a current employee in a position that was policy-making or had discretionary authority over public assets had been convicted within the immediately preceding 20 years of a disqualifying felony, the employer would have to investigate. If the conviction were confirmed, the employer could not employ that person during the prohibited time period.

### **BACKGROUND**

At the November 2010 general election, Michigan voters approved ballot proposal 10-2, an amendment to the State Constitution to restrict a person's eligibility for elective office and certain governmental employment.

The proposal added Section 8 to Article XI of the Constitution to provide that a person is ineligible for election or appointment to any State or local elective office, or to hold a position in public employment that is policy-making or that has discretionary authority over public assets if, within the immediately preceding 20 years, the person was convicted of a

felony involving dishonesty, deceit, fraud, or a breach of the public trust and the conviction was related to the person's official capacity while he or she was holding any elective office or position of employment in local, State, or Federal government.

Section 8 requires the Legislature to prescribe by law for its implementation.

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

There could be a minimal cost associated with the requirement that a public employer investigate an employee whom the employer suspected could be in violation of the proposed law. These costs are indeterminate and would depend on the number of individuals investigated.

Fiscal Analyst: Joe Carrasco

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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.