

HOUSE BILL No. 5890

March 16, 2006, Introduced by Reps. Espinoza, Jones, Polidori, Miller, Alma Smith,
Gleason, Bieda, Leland, Gonzales and Plakas and referred to the Committee on Education.

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 2004 PA 110.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

9 (2) Section 2 does not prohibit a member of a school board of

1 1 school district from being a superintendent of schools of another
2 school district.

3 (3) Section 2 does not prohibit a public officer or public
4 employee of a city, village, township, school district, community
5 college district, or county from being appointed to and serving as
6 a member of the board of a tax increment finance authority under
7 the tax increment finance authority act, 1980 PA 450, MCL 125.1801
8 to 125.1830, a downtown development authority under 1975 PA 197,
9 MCL 125.1651 to 125.1681, a local development finance authority
10 under the local development financing act, 1986 PA 281, MCL
11 125.2151 to 125.2174, or a brownfield redevelopment authority under
12 the brownfield redevelopment financing act, 1996 PA 381, MCL
13 125.2651 to 125.2672.

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

15 (a) Prohibit public officers or public employees of a city,
16 village, township, or county having a population of less than
17 25,000 from serving, with or without compensation, as emergency
18 medical services personnel as defined in section 20904 of the
19 public health code, 1978 PA 368, MCL 333.20904.

20 (b) Prohibit public officers or public employees of a city,
21 village, township, or county having a population of less than
22 25,000 from serving, with or without compensation, as a firefighter
23 in that city, village, township, or county if that firefighter is
24 not any of the following:

25 (i) A full-time firefighter.

26 (ii) A fire chief.

27 (iii) A person who negotiates with the city, village, township,

1 or county on behalf of the firefighters.

2 (c) Limit the authority of the governing body of a city,
3 village, township, or county having a population of less than
4 25,000 to authorize a public officer or public employee to perform,
5 with or without compensation, other additional services for the
6 unit of local government.

7 (5) This section does not relieve a person from otherwise
8 meeting statutory or constitutional qualifications for eligibility
9 to, or the continued holding of, a public office.

10 (6) This section does not allow or sanction activity
11 constituting conflict of interest prohibited by the constitution or
12 laws of this state.

13 (7) This section does not allow or sanction specific actions
14 taken in the course of performance of duties as a public official
15 or as a member of a governing body of an institution of higher
16 education that would result in a breach of duty as a public officer
17 or board member.

18 (8) Section 2 does not prohibit a public officer or public
19 employee of a community mental health services program as defined
20 in section 100a of the mental health code, 1974 PA 258, MCL
21 330.1100a, from serving as a public officer or public employee of a
22 separate legal or administrative entity created by 2 or more
23 community mental health services programs under the urban
24 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
25 124.512, a joint board or commission created under 1967 (Ex Sess)
26 PA 8, MCL 124.531 to 124.536, or a regional entity created under
27 section 204b of the mental health code, 1974 PA 258, MCL 330.1204b,

1 whether or not the separate legal or administrative entity, joint
2 board or commission, or regional entity may enter into contracts or
3 agreements with 1 or more of the community mental health services
4 programs.

5 (9) SECTION 2 DOES NOT PROHIBIT A MEMBER OF A SCHOOL BOARD
6 FROM BEING APPOINTED TO OR SERVING AS A VOLUNTEER COACH OR
7 SUPERVISOR OF A STUDENT EXTRACURRICULAR ACTIVITY IF ALL OF THE
8 FOLLOWING CONDITIONS ARE PRESENT:

9 (A) NO QUALIFIED APPLICANT IS AVAILABLE TO FILL A VACANT
10 POSITION IF THE SCHOOL BOARD MEMBER IS EXCLUDED.

11 (B) THE SCHOOL BOARD MEMBER RECEIVES NO COMPENSATION FOR
12 SERVICE AS A VOLUNTEER COACH OR SUPERVISOR.

13 (C) DURING THE PERIOD HE OR SHE SERVES AS A VOLUNTEER, THE
14 SCHOOL BOARD MEMBER ABSTAINS FROM VOTING ON ISSUES BEFORE THE
15 SCHOOL BOARD CONCERNING THAT PROGRAM.

16 (D) THE SCHOOL DISTRICT POPULATION IS LESS THAN 15,000
17 ACCORDING TO THE MOST RECENT FEDERAL CENSUS.