

# HOUSE BILL No. 5987

April 25, 2006, Introduced by Reps. Lipsey, Tobocman, Alma Smith, Hopgood, Kolb, Byrnes, Anderson, Angerer, Donigan, Cushingberry, Vagnozzi, Polidori, Gonzales, Wojno and Bieda and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1968 PA 317, entitled

"An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts,"

by amending sections 1, 3a, and 8 (MCL 15.321, 15.323a, and 15.328), section 3a as amended by 1996 PA 203 and section 8 as amended by 1997 PA 145.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. As used in this act:

2           (a) "Public servant" includes ~~all persons serving any public~~  
3 ~~entity, except members of the legislature and state officers who~~  
4 ~~are within the provisions of section 10 of article 4 of the state~~  
5 ~~constitution as implemented by legislative act.~~ **ANY INDIVIDUAL**  
6 **SERVING A PUBLIC ENTITY WITHIN THIS STATE, EXCEPT THE FOLLOWING:**

1 (i) A JUSTICE OF THE SUPREME COURT OR A JUDGE OF A COURT OF  
2 RECORD.

3 (ii) AN INDIVIDUAL SUBJECT TO THE ETHICS ACT FOR EXECUTIVE  
4 BRANCH OFFICIALS AND EMPLOYEES.

5 (iii) AN INDIVIDUAL SUBJECT TO THE LEGISLATIVE ETHICS ACT.

6 (b) "Public entity" means ~~the state including all agencies~~  
7 ~~thereof, any public body corporate within the state, including all~~  
8 ~~agencies thereof, or any non-incorporated public body within the~~  
9 ~~state of whatever nature, including all agencies thereof~~ THIS  
10 STATE OR A PUBLIC OR GOVERNMENTAL ENTITY WITHIN THIS STATE,  
11 INCLUDING, BUT NOT LIMITED TO, A DEPARTMENT, AGENCY, BRANCH,  
12 POLITICAL SUBDIVISION, OR PUBLIC BODY CORPORATE OF THIS STATE, OR A  
13 PUBLIC BODY CORPORATE OF 1 OR MORE POLITICAL SUBDIVISIONS OF THIS  
14 STATE.

15 Sec. 3a. Section 2 shall not be construed to do any of the  
16 following:

17 (a) Prohibit public servants of a city, village, township, or  
18 county with a population of less than 25,000 from serving, with or  
19 without compensation, as emergency medical services personnel as  
20 defined in section 20904 of the public health code, ~~Act No. 368 of~~  
21 ~~the Public Acts of 1978, being section 333.20904 of the Michigan~~  
22 ~~Compiled Laws~~ 1978 PA 368, MCL 333.20904.

23 (b) Prohibit A public ~~servants~~ SERVANT of a city, village,  
24 township, or county with a population of less than 25,000 from  
25 serving, with or without compensation, as a firefighter in that  
26 city, village, township, or county if that firefighter is not any  
27 of the following:

1 (i) A full-time firefighter.

2 (ii) A fire chief.

3 (iii) A person who negotiates with the city, village, township,  
4 or county on behalf of the firefighters.

5 (c) Limit the authority of the governing body of a city,  
6 village, township, or county with a population of less than 25,000  
7 to authorize a public servant to perform, with or without  
8 compensation, other additional services for the unit of local  
9 government.

10 ~~—— (d) Prohibit public servants of this state from purchasing at~~  
11 ~~a tax sale lands returned as delinquent for taxes under the general~~  
12 ~~property tax act, Act No. 206 of the Public Acts of 1893, being~~  
13 ~~sections 211.1 to 211.157 of the Michigan Compiled Laws, unless~~  
14 ~~otherwise prohibited by the rules of the Michigan civil service~~  
15 ~~commission or the department or agency of which that public servant~~  
16 ~~is an employee.~~

17 Sec. 8. ~~It is the intention that this act shall~~ **THIS ACT IS**  
18 **INTENDED TO** constitute the sole law in this state ~~and shall~~  
19 ~~supersede all other acts in respect to~~ **RESPECTING** conflicts of  
20 interest relative to public contracts ~~—~~ involving public  
21 servants, ~~other than members of the legislature and state~~  
22 ~~officers, including but not limited to section 30 of 1851 PA 156,~~  
23 ~~MCL 46.30~~ **AND SUPERSEDES ALL OTHER ACTS ON THE SUBJECT.** This act  
24 does not prohibit a unit of local government from adopting ~~an~~  
25 ~~ordinance~~ or enforcing an ~~existing~~ ordinance relating to  
26 conflict of interest ~~in~~ **ON** subjects other than public contracts  
27 involving public servants.

1           Enacting section 1. This amendatory act does not take effect  
2 unless all of the following bills of the 93rd Legislature are  
3 enacted into law:

4           (a) Senate Bill No.\_\_\_\_ or House Bill No. 5982(request no.  
5 04822'05 \*).

6           (b) Senate Bill No.\_\_\_\_ or House Bill No. 5980(request no.  
7 04826'05).