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House Bills 6008, 6009, and 6010 (as passed by the House)

Sponsor: Representative Terry Brown (H.B. 6008)

Representative Mike Lahti (H.B. 6009 & 6010)

House Committee: Education

Senate Committee: Education

Date Completed:

CONTENT

The bills would amend various statutes to allow the superintendent of an intermediate school district (ISD) to serve simultaneously as superintendent of a local school district and to allow an ISD to contract with another person to serve as superintendent of a local school district, even if the local district were a constituent district of the ISD.

House Bill 6008 would amend Public Act 566 of 1978, which prohibits the holding of incompatible public offices. House Bill 6009 would amend the Revised School Code. House Bill 6010 would amend Public Act 317 of 1968, which governs the conduct of public servants in respect to governmental decisions and contracts with public entities.

House Bill 6009 is tie-barred to House Bills 6008 and 6010.

House Bill 6008

Section 2 of Public Act 566 of 1978 prohibits a public officer or public employee from holding two or more incompatible offices at the same time. The bill specifies that Section 2 would not prohibit an ISD superintendent from serving simultaneously as superintendent of a local school district, or prohibit an ISD from contracting with another person to serve as superintendent of a local school district, even if the local district were a constituent district of the ISD.

House Bill 6009

The Revised School Code requires the board of a school district, or of an ISD, to employ a superintendent of schools. Under the bill, instead of directly employing a superintendent of schools, a school district could contract with its ISD for the ISD superintendent to serve as the school district's superintendent of schools or for the ISD to provide another person to serve as superintendent of schools for the school district.

House Bill 6010

Section 2 of Public Act 317 of 1968 prohibits a public servant from being a party, directly or indirectly, to any contract between himself or herself and the public entity of which he or she is an officer or employee. Under the bill, Section 2 could not be construed to prohibit

an ISD superintendent from serving simultaneously as superintendent of a local school district, or prohibit an ISD from contracting with another person to serve as superintendent of a local school district, even if the local district were a constituent district of the ISD.

MCL 15.183 (H.B. 6008)
380.1229 (H.B. 6009)
15.323a (H.B. 6010)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

State: The bills would have no fiscal impact on the State.

Local: The bills could result in local savings to school districts and intermediate districts choosing to share a superintendent, as allowed under these bills, if the cost of the sole superintendent were lower than the combined cost of a superintendent for the ISD and a superintendent for the local district.

The bills also could result in savings to school districts and ISDs choosing to employ a superintendent under contract, as allowed under these bills, if the contracted salary and other benefits were lower than the cost of directly employing the superintendent. By contracting for a superintendent, the district or ISD would avoid paying Michigan Public School Employees' Retirement System costs for that individual. For fiscal year 2010-11, those costs are equal to 20.66% of pay.

Fiscal Analyst: Kathryn Summers

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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.