

Legislative Analysis



INCOMPATIBLE OFFICES: EXCEPTIONS FOR CERTAIN PUBLIC SAFETY OFFICERS

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House Bill 4070 as introduced
Sponsor: Rep. Kurt Heise
Committee: Oversight and Ethics

Analysis available at
<http://www.legislature.mi.gov>

Complete to 3-13-15

SUMMARY:

The bill would amend Public Act 566 of 1978, which prescribes standards of conduct for public officers and employees and prohibits the holding of incompatible offices. Section 2 of the act says, "*except as prohibited in Section 3, a public officer or public employee shall not hold two or more incompatible offices at the same time,*" and then Section 3 describes numerous exceptions to this general policy in detail. House Bill 4070 would modify those exceptions in cases involving public safety offices.

** The bill would allow a public officer or public employee of a city, village, township, or county with a population under 50,000 to serve as a firefighter, police chief, fire chief, police officer, or public safety officer, with or without compensation, as long as he or she was not a person who negotiated a collective bargaining agreement on behalf of firefighters, police chiefs, fire chiefs, police officers, or public safety officers.

Currently, the exception in the act only applies to locales with a population under 25,000, and only allows officials or employees to serve as firefighters, and only as long as they are not full-time firefighters, fire chiefs, or negotiators.

** Currently, the act does not prohibit public officers or public employees of a city, village, township, or county with a population under 25,000 from serving, with or without compensation, as emergency medical services personnel. The bill would increase the population threshold to 50,000.

** Currently, the act says it does not limit the authority of the governing board of a city, village, township, or county with a population under 25,000 to authorize a public officer or public employee to perform other additional services for the local unit, with or without compensation. The bill would increase the population threshold to 50,000.

** The bill also would delete a provision that prohibits a public officer or public employee of a city, village, township, or county with a population under 3,000 from serving as fire chief. That provision would be rendered obsolete by other provisions in the bill.

BACKGROUND INFORMATION:

Public Act 566 of 1978 defines "incompatible offices" as public offices held by a public official that, when he or she is performing the duties of any of the offices, results in the

subordination of one public office to another, the supervision of one public office by another, or a breach of duty of public office.

The term "public officer" means a person who is elected or appointed to any of the following: (1) an office established by the State Constitution of 1963; (2) a public office of a city, village, township, or county in this state; or (3) a department, board, agency, institution, commission, authority, division, council, college, university, school district, intermediate school district, special district, or other public entity of this state or a city, village, township, or county in this state.

The term "public employee" means an employee of the state; an employee of a city, village, township, or county of this state; or an employee of a department, board, agency, institution, commission, authority, division, council, college, university, school district, intermediate school district, special district, or other public entity of this state or of a city, village, township, or county in this state, but does not include a person whose employment results from election or appointment.

FISCAL IMPACT:

As written, the bill could decrease expenditures for governmental units with a population of less than 50,000, should they choose to consolidate positions. There would be no impact on state revenues or expenses.

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