



Senate Fiscal Agency  
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## BILL ANALYSIS



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House Bill 4070 (Substitute H-2 as passed by the House)  
Sponsor: Representative Kurt Heise  
House Committee: Oversight and Ethics  
Senate Committee: Local Government

Date Completed: 6-8-15

**CONTENT**

**The bill would amend Public Act 566 of 1978, which prohibits a public officer from holding incompatible offices, to temporarily increase the maximum size of a local unit in which public officers or employees may be allowed to serve as emergency medical services personnel or firefighters, or perform other additional services for the local unit. This exception to the prohibition currently applies to a local unit with a population of less than 25,000. Under the bill, until January 1, 2022, it would apply to a local unit with a population of less than 30,000, and would include service as a police officer, police or fire chief, or other public safety officer.**

**The bill also would delete, until January 1, 2022, a provision allowing a public officer or employee of a local unit with a population of less than 3,000 to serve as a fire chief in the local unit.**

The bill would take effect 90 days after its enactment.

Under Section 2 of the Act, a public officer or employee may not hold two or more incompatible offices at the same time, subject to specific exceptions. ("Incompatible offices" means "public offices held by a public official which, when the official is performing the duties of any of the offices held by the official, results in any of the following with respect to those offices held:" 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 Act states that Section 2 does not do any of the following:

- Prohibit public officers or public employees of a local unit (a city, village, township, or county) with a population of less than 25,000 from serving, with or without compensation, as emergency medical services personnel.
- Prohibit public officers or public employees of local units with a population under 25,000 from serving, with or without compensation, as a firefighter in that local unit, if the firefighter is not a full-time firefighter, a fire chief, or a person who negotiates with the local unit on behalf of firefighters.
- Limit the authority of the governing body of a local unit with a population under 25,000 to authorize a public officer or public employee to perform, with or without compensation, other additional services for the local unit.
- Prohibit a public officer or public employee of a local unit with a population of less than 3,000 from serving, with or without compensation, as a fire chief in the local unit.

Under the bill, instead, until January 1, 2022, Section 2 would not do any of the following:

- Prohibit public officers or public employees of a local unit (a city, village, township, or county) with a population of less than 30,000 from serving, with or without compensation, as emergency medical services personnel.
- Prohibit public officers or public employees of local units with a population under 30,000 from serving, with or without compensation, as a firefighter, police chief, fire chief, police officer, or public safety officer in that local unit, if he or she were not a person who negotiated a collective bargaining agreement with the local unit on behalf of any of those officers.
- Limit the authority of the governing body of a local unit with a population under 30,000 to authorize a public officer or public employee to perform, with or without compensation, other additional services for the local unit.

Beginning on January 1, 2022, the current provisions described above would apply.

MCL 15.183

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would allow additional local unit of government the option to consolidate certain functions that currently are considered incompatible offices, based on a statutory population ceiling. A local unit could realize cost savings of an unknown amount, if it were able to combine functions as permitted by the bill, prior to the sunset of the expanded exceptions at the end of 2021. The bill would have no fiscal impact on State government.

Fiscal Analyst: Elizabeth Pratt

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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.