

# SENATE BILL No. 1287

May 30, 2006, Introduced by Senator GARCIA and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

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

1 be an employee and member of a governing board of an institution of  
2 higher education simultaneously.

3 (2) Section 2 does not prohibit a member of a school board of  
4 1 school district from being a superintendent of schools of another  
5 school district.

6 (3) Section 2 does not prohibit a public officer or public  
7 employee of a city, village, township, school district, community  
8 college district, or county from being appointed to and serving as  
9 a member of the board of a tax increment finance authority under  
10 the tax increment finance authority act, 1980 PA 450, MCL 125.1801  
11 to 125.1830, a downtown development authority under 1975 PA 197,  
12 MCL 125.1651 to 125.1681, a local development finance authority  
13 under the local development financing act, 1986 PA 281, MCL  
14 125.2151 to 125.2174, or a brownfield redevelopment authority under  
15 the brownfield redevelopment financing act, 1996 PA 381, MCL  
16 125.2651 to 125.2672.

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

18 (a) Prohibit public officers or public employees of a city,  
19 village, township, or county having a population of less than  
20 25,000 from serving, with or without compensation, as emergency  
21 medical services personnel as defined in section 20904 of the  
22 public health code, 1978 PA 368, MCL 333.20904.

23 (b) Prohibit **A** public ~~officers~~ **OFFICER** or public ~~employees~~  
24 **EMPLOYEE** of a city, village, township, or county having a  
25 population of less than 25,000 from serving, with or without  
26 compensation, as a firefighter in that city, village, township, or  
27 county if that firefighter is not any 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 having a population of less than  
7 25,000 to authorize a public officer or public employee to perform,  
8 with or without compensation, other additional services for the  
9 unit of local government.

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

13 (6) This section does not allow or sanction activity  
14 constituting **A** conflict of interest prohibited by the **STATE**  
15 constitution **OF 1963** or laws of this state.

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

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

1 124.512, a joint board or commission created under 1967 (Ex Sess)  
2 PA 8, MCL 124.531 to 124.536, or a regional entity created under  
3 section 204b of the mental health code, 1974 PA 258, MCL 330.1204b,  
4 whether or not the separate legal or administrative entity, joint  
5 board or commission, or regional entity may enter into contracts or  
6 agreements with 1 or more of the community mental health services  
7 programs.

8 (9) SECTION 2 DOES NOT PROHIBIT A PUBLIC OFFICER OR PUBLIC  
9 EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION FROM SERVING AS A  
10 MEMBER OF THE STRATEGIC ECONOMIC INVESTMENT AND COMMERCIALIZATION  
11 BOARD UNDER CHAPTER 8A OF THE MICHIGAN STRATEGIC FUND ACT, 1984 PA  
12 270, MCL 125.2088 TO 125.2088P.