

SENATE BILL No. 1409

June 24, 2008, Introduced by Senator PRUSI and referred to the Committee on Local, Urban and State Affairs.

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 2008 PA 22.

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
7 be an employee and member of a governing board of an institution of

1 higher education simultaneously.

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

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

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

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

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

27 (i) A full-time firefighter.

1 (ii) A fire chief.

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

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

9 **(D) LIMIT THE AUTHORITY OF THE GOVERNING BODY OF A CITY,**
10 **VILLAGE, TOWNSHIP, OR COUNTY HAVING A POPULATION OF LESS THAN**
11 **50,000 TO AUTHORIZE A PUBLIC OFFICER OR PUBLIC EMPLOYEE TO PERFORM,**
12 **WITHOUT COMPENSATION, OTHER ADDITIONAL SERVICES FOR THE UNIT OF**
13 **LOCAL GOVERNMENT.**

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

17 (6) This section does not allow or sanction activity
18 constituting conflict of interest prohibited by the constitution or
19 laws of this state.

20 (7) This section does not allow or sanction specific actions
21 taken in the course of performance of duties as a public official
22 or as a member of a governing body of an institution of higher
23 education that would result in a breach of duty as a public officer
24 or board member.

25 (8) Section 2 does not prohibit a public officer or public
26 employee of a community mental health services program as defined
27 in section 100a of the mental health code, 1974 PA 258, MCL

1 330.1100a, from serving as a public officer or public employee of a
2 separate legal or administrative entity created by 2 or more
3 community mental health services programs under the urban
4 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
5 124.512, a joint board or commission created under 1967 (Ex Sess)
6 PA 8, MCL 124.531 to 124.536, or a regional entity created under
7 section 204b of the mental health code, 1974 PA 258, MCL 330.1204b,
8 whether or not the separate legal or administrative entity, joint
9 board or commission, or regional entity may enter into contracts or
10 agreements with 1 or more of the community mental health services
11 programs.

12 (9) Section 2 does not prohibit a member of a school board
13 from being appointed to or serving as a volunteer coach or
14 supervisor of a student extracurricular activity if all of the
15 following conditions are present:

16 (a) The school board member receives no compensation for
17 service as a volunteer coach or supervisor.

18 (b) During the period he or she serves as a volunteer, the
19 school board member abstains from voting on issues before the
20 school board concerning that program.

21 (c) There is no qualified applicant available to fill a vacant
22 position if the school board member is excluded.

23 (d) The appointing authority has received the results of a
24 criminal history check and a criminal records check from the
25 department of state police or the federal bureau of investigation
26 for the school board member.