

Legislative Analysis



ALLOW MUNICIPAL OFFICIALS TO SERVE AS PUBLIC SAFETY OFFICERS

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House Bill 4939 (Substitute H-2)
Sponsor: Rep. David M. Knezek, Jr.
Committee: Local Government

Complete to 11-4-13

A SUMMARY OF HOUSE BILL 4939 (H-2) AS REPORTED FROM COMMITTEE

House Bill 4939 (H-2) would amend Public Act 566 of 1978 to allow cities, villages, townships, or counties having a population of less than 100,000 to authorize a public officer or public employee to perform (with or without compensation) other additional public safety services for the unit of government. A more detailed description of the bill follows.

Generally, Public Act 566 prescribes standards of conduct for public officials and includes a prohibition on the holding of incompatible public offices. Now under the law, Michigan public employees are prohibited from holding two or more offices that are incompatible because they could create conflicts of interest. For example, a public employee cannot be a member of a university's governing board and an employee of that university simultaneously. The prohibition is found in Section 2 of Public Act 566, and reads:

Sec 2. Except as prohibited in Section 3, a public officer or public employee shall not hold 2 or more incompatible offices at the same time.

However, under Section 3 of the law, a dozen exceptions to this statutory prohibition are described in detail. House Bill 4939 (H-2) would retain all of these exceptions, but modify the subsection concerning public safety officers.

First, the bill would extend the exception for public safety officers to all cities, villages, townships and counties having a population of less than 100,000. Currently the population threshold is 25,000.

Second, the bill would not prohibit public officers or public employees from serving as a *firefighter, police officer, or public safety officer*, as long as they were not one of those officers or employees who negotiated a collective bargaining agreement on behalf of employees with the municipality.

Third, the bill would eliminate in its entirety the subsection that allows public officers of a city, village, township, or county having a population of less than 3,000 to serve as a fire chief.

MCL 15.183

FISCAL IMPACT:

As written, the bill could decrease expenditures for smaller municipal governments, should they choose to consolidate the city positions. There would be no impact on state revenues or expenses.

POSITIONS:

Garden City supports the bill. (10-17-13)

The Michigan Municipal League supports the bill. (10-17-13)

The Michigan Townships Association supports the bill. (10-17-13)

The Department of Licensing and Regulatory Affairs is neutral on the bill. (10-24-13)

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