

Legislative Analysis



INCOMPATIBLE OFFICES: LOCAL EXCEPTIONS

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Senate Bill 284 as passed by the Senate

Sponsor: Sen. Gerald Van Woerkom

House Committee: Intergovernmental and Regional Affairs

Senate Committee: Local, Urban, and State Affairs

Complete to 11-9-09

A SUMMARY OF SENATE BILL 284 AS PASSED BY THE SENATE 3-11-09

Public Act 566 of 1978 prohibits a public officer or public employee from holding two or more incompatible offices at the same time. The bill would amend Public Act 566 to specifically allow a public officer or employee to be appointed to and serve as a member of any of the following:

- A neighborhood improvement authority under the Neighborhood Improvement Authority Act.
- A water resource improvement tax increment finance authority (TIFA) under the Water Resource Improvement Tax Increment Finance Authority Act.
- A historical neighborhood TIFA under the Historical Neighborhood Tax Increment Finance Authority Act.
- A board of a principal shopping district or a board of directors of a business improvement zone under Public Act 120 of 1961, the Principal Shopping District Act.
- A board of directors of a land bank fast track authority under the Land Bank Fast Track Act.
- A corridor improvement authority under the Corridor Improvement Authority Act.

A public officer or employee also could be appointed to and serve as an officer of a metropolitan district under the Metropolitan District Act.

Under Public Act 566 "incompatible offices" is defined to mean public offices held by a public official which, when the official is performing the duties of any of the public offices held by the official, 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 with respect to those offices held.

"Public officer" is defined to mean a person who is elected or appointed to an office established by the State Constitution; a public office of a city, village, township, or county in this state; or a department, board, agency, institution, commission, authority, division, council, college, university, school district, intermediate school district, special district, or other public entity of the state or a city, village, township, or county in the state. "Public employee" is defined to mean an employee of this 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.

The act makes exceptions to the prohibition against holding incompatible public offices. Among other things, the act currently allows a public officer or public employee of a city, village, township, school district, community college district, or county to be appointed to and serve as a member of any of the following:

- The board of a TIFA under the Tax Increment Finance Authority Act.
- A downtown development authority under Public Act 197 of 1975, the Downtown Development Authority Act.
- A local development finance authority under the Local Development Financing Act.
- A brownfield redevelopment authority under the Brownfield Redevelopment Financing Act.

Under the bill, a public officer or public employee also would not be prohibited from being appointed to and serving as a member or officer of the authorities and districts listed above.

MCL 15.183

FISCAL IMPACT:

The bill does not appear to have any direct fiscal impact on state or local government.

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