



## **NOTICE and AGENDA for**

### Emerging Technology Subcommittee

May 3, 2021

1 p.m.

Video Conference

**PLEASE TAKE NOTICE** that a meeting of the Emerging Technology Subcommittee will be held electronically via telephonic/video conference, due to COVID-19, in accordance with P.A. 228 of 2020, and the Eaton County local state of emergency ([State-of-Emergency-Resolution-04212021 \(eatoncounty.org\)](#)).

The meeting will be held on **Monday, May 3, 2021, at 1 p.m.** for consideration of items, namely, on this agenda. To participate in this meeting, please click on the link below or call the following number:

#### **Microsoft Teams Meeting**

[Join Microsoft Teams Meeting](#)

+1 248-509-0316 United States, Pontiac

Conference ID: 876 894 58#

#### **A. Call to Order**

#### **B. Roll Call**

P.A. 228 of 2020, Sec. 3(2)(a)(ii) states each member of the public body must make an announcement that s/he is attending remotely, and give their physical location including the county, city, township, village, and state the member is in during the time of the meeting.

#### **C. Meeting Minutes Approval—April 12, 2021**

#### **D. Call for Additions to the Agenda**

#### **E. Vendor Presentation—Mr. Kyle Richardson, FirstNet**

#### **F. Old Business**

- Review following documents:
  - Michigan Guide for VoIP Deployment
  - Michigan ETSC Recommended Guideline for Telematics Service Provider 911 Trunk Access

#### **G. Standing Agenda Items**

- SCIP update
- Tech Forum update
  - Attendance – send survey or wait a little longer to see if more things open up and discuss at June meeting
- Legislative Update

**H. New Business**

- TAC update
- Disseminating information to PSAPs
- Location-based routing
- Technology issues and challenges
- Bylaws, State Ethics Act, and Public Entities Act distribution

**I. Public Comment**

The Emerging Technology Subcommittee welcomes members of the public to express their ideas or concerns regarding today's discussion. Public comment is moderated and members of the public wishing to address the subcommittee may do so by "raising their hand" from the participants view on the video conference. The moderator will call on individuals wishing to speak by either their profile name or telephone number. Please state your full name and agency (if applicable) for the record.

**J. Next Meeting**

June 7, 2021 at 1 p.m.

**K. Adjourn**

The Emerging Technology Subcommittee meetings are open to all without regard to race, color, national origin, sex, or disability. The subcommittee will provide special aid or assistance to attend a meeting and will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting/hearing, to individuals with disabilities, upon four (4) business days' notice to the Emerging Technology Subcommittee. Individuals with disabilities requiring auxiliary aids or services should contact the subcommittee by email - [MSPETSC@michigan.gov](mailto:MSPETSC@michigan.gov) or phone - Stacie Hansel, State 911 Office, (517) 599-4590.

**STATE 911 COMMITTEE**  
**Emerging Technology Subcommittee**  
 April 12, 2021  
 Meeting Minutes

<b>Voting Members Present</b>	<b>Representing</b>	<b>Attending Remotely</b>
Mr. Scott Temple	INdigital	Highland Twp., Oakland County
Ms. Patricia Coates	Oakland County	Rochester Hills, Oakland County
Mr. Steven Berenbaum	AT&T	Birmingham, Oakland County
Mr. Jon Moored	Kalamazoo County Consolidated Dispatch	Kalamazoo, Kalamazoo County
Mr. Mark Holmes	Department of Technology Management and Budget	Delhi Township, Ingham County
Ms. Jaime Seling	Oakland County Sheriff's Office	Waterford, Oakland County
Mr. Tim McKee	Peninsula Fiber Network	Rudyard Twp, Chippewa County
Mr. Mike Armitage	Eaton County Central Dispatch	Charlotte, Eaton County
Mr. Jerry Nummer	Michigan Public Safety Communications System	Belding, Ionia County
Ms. Angela Eley	Macomb County Sheriff's Office	Mt. Clemens, Macomb County
Mr. Patrick Savage	TSSI Consulting, LLC	Salisbury, Maryland
<b>Non-Voting Members Present</b>	<b>Representing</b>	
Ms. Joni Harvey	State 911 Office	
Ms. Cindy Homant	State 911 Office	
Ms. Stacie Hansel	State 911 Office	
<b>Voting Members Absent</b>	<b>Representing</b>	
Ms. April Heinze	National Emergency Number Association	
Mr. Steven Stryd	Kalamazoo County Sheriff's Office	

**A. Call to Order**

The meeting was called to order at 1:01 p.m.

**B. Roll Call**

Roll call was taken, and a quorum was present.

**C. Meeting Minutes Approval—March 1, 2021**

A **MOTION** was made by Ms. Angela Eley, with support by Mr. Tim McKee, to accept the meeting minutes of March 1, 2021, as presented. With no discussion, the **MOTION** carried.

**D. Call for Additions to the Agenda**

Mr. Temple thanked everyone and their staff, wishing all a happy telecommunicator week.

The standing agenda item of "legislative update" was left off this agenda. That will be added for today's meeting.

**E. Old Business**

SCIP Update

There are no new updates as the meeting for last week was cancelled.

#### Tech Forum Planning Update

All speakers have been confirmed and the forum packet has been submitted to the 911 Training Subcommittee for approval.

Ms. Homant stated she is planning to open registration on June 1, and asked if anyone saw any issues with that date. The group agreed on June 1. The ETS members receive free registration and will receive an email with a specific code to enter. Please do not share the code with anyone.

The confirmed sponsorship amount is currently \$8,500. Mr. Temple encouraged the ETS members to reach out to partners asking for support.

#### **F. New Business**

##### Review of Documents

Two documents were included in the meeting packet which have been posted on the SNC website for many years. The technology may still be accurate; however, the wording may need to be updated. The ETS members were asked to review the documents for discussion at the next meeting. The documents are:

- Michigan Guide for VoIP Deployment
- Michigan ETSC Recommended Guideline for Telematics Service Provider 911 Trunk Access

#### **G. Legislative Update**

The two workgroups of the Legislative Action Subcommittee (LAS) have completed their input for now. The Michigan Communication Directors Association (MCDA) will be the lead agency. The workgroups will meet with MCDA to incorporate their drafted language.

Once there is preliminary draft language, MCDA will return the draft to the LAS for review. Eventually, there will be a recommendation from LAS presented to the State 911 Committee (SNC). It is not the plan of MCDA to bypass LAS or the SNC, but rather to work cohesively with all public safety groups.

#### **H. Public Comment**

None.

#### **I. Next Meeting**

May 3, 2021, at 1 p.m.

#### **J. Adjourn**

The meeting adjourned at 1:35 p.m.

Michigan Guide for VoIP Deployment  
12-14-05

- 1) A county has option to use wireless ESN, or VoIP ESN, or Existing landline ESNs for its VoIP call boundary-routing:
  - a. The VoIP implementation will be determined on a county-wide (or Wayne County Service District) basis. What method determined will be used by all the PSAPs in a county or Wayne County Service District.
  - b. Each county should advise the State-wide 9-1-1 Administrator's Office of the boundary/routing-ESN method selected and update the State 9-1-1 Administrator of any changes.
  - c. If existing landline ESNs are used the submission of shape files is required.
  - d. In the event that existing landline ESNs are utilized, accurate ELT information for those ESNs will be provided, including emergency responder information.
  - e. On the basis of available technology, if a county uses a wireless or single landline VoIP ESN for initial deployment, that county may reserve the right to switch within a 24-month period to the use of existing landline ESNs at no cost to the county.
  - f. If shape files are provided, the VoIP provider will:
    - i. Be responsible for any costs related to the maintenance of those files
    - ii. Be responsible for a system of updates to those files
    - iii. Enter into NDA agreements as needed by the local units of governments to protect proprietary information
    - iv. Continue to use the existing landline MSAG for address verification
- 2) 9-1-1 delivered through the native 9-1-1 network for all PSAPs – PSAPs are not required to make upgrades to their existing systems, this includes CPE, trunks from the router to the PSAPs, and computer aided dispatch systems (CAD).
- 3) MSAG validation for VoIP 9-1-1 is required. Address verification of the VPC will include the use of the Master Street Address Guide (MSAG) as developed and maintained by the PSAP for which the calls are being routed to.
- 4) Deployment testing schedule. A schedule for testing each PSAP within a county will be coordinated between the VoIP provider (or their VPC) and the county 9-1-1 coordinator or designee.
- 5) Trouble reporting system must be put in place prior to deployment
  - a. Single point of contact for each VPC provider serving VoIP providers is to be provided to the PSAP and the State 9-1-1 Office.
  - b. Network operations center (NOC) 24x7 number provided to PSAPs
  - c. The trouble reporting system must contain clear and succinct instructions for PSAP personnel.
  - d. Corrections and updates to the MSAG and customer are done in compliance with the Michigan statute under MCL 484.1316 (corrections within one business day).

# Michigan ETSC Recommended Guideline for Telematics Service Provider 9-1-1 Trunk Access

10/16/07

**This document is designed as guide for public safety answering points (PSAPs) and telematics service providers (TSPs) for the process of TSP access to PSAP 9-1-1 systems.**

## **A) General:**

1. The Associated Public Safety Communications Officials - International (APCO) "Recommended Best Practices – Telematics Call Processing" ([www.apcointl.org/about/Telematics/TSPFinal.pdf](http://www.apcointl.org/about/Telematics/TSPFinal.pdf)) should be followed by TSPs and public safety answering points (PSAPs).
2. Emergency calls from a telematics-subscribing vehicle may be initiated by either the manual depression of a button on the telematics unit or the indication of deployment of an automatic/advanced automatic crash notification sensor in the vehicle (e.g., airbag deployment, vehicle roll over, multiple collisions, etc.).
3. The TSP shall use the location data of the vehicle for routing the call to the PSAP.
4. Automatic Crash Notification (ACN) and Advanced Automatic Crash Notification (AACN) data will not be automatically "pushed" to the PSAP with the emergency call unless the PSAP has given prior approval to receive such data, and the data conforms to the NENA and/or APCO "ALI" standards.

## **B) Pre-Deployment:**

1. Any call routing design involving 9-1-1 trunks will only be deployed with the prior written approval of the respective public safety answering point (PSAP) "decision maker" (i.e., the person/entity or agency delegated with the authority to formulate PSAP policies and direct PSAP operations), using the ESN designated by the PSAP.
2. PSAPs will not be required to make upgrades to their existing 9-1-1 systems to accept the Telematics emergency call delivery methodology. This includes PSAP customer premises equipment (CPE), 9-1-1 trunks from the local 9-1-1 Selective Router to the PSAP, and computer aided dispatch systems (CAD).
3. Call-associated data shall be made available to PSAPs capable of receiving and displaying the information, and will comply with National Emergency Number Association (NENA) ALI guidelines for VoIP/9-1-1 calls. In addition:
  - a) For an in-progress call, a call back number that can be used to reestablish voice connectivity with the affected vehicle shall be provided to the PSAP upon initial deployment of this call delivery methodology
  - b) Within 12 months of deployment of this call delivery methodology at the PSAP, the TSP provided vehicle location information (in Latitude/Longitude) shall be available for each in-progress call and used for the initial routing of the call to the PSAP.
4. A schedule for testing each PSAP choosing to, and capable of, deploying this call delivery design, will be coordinated between the TSP and the PSAP designee.
5. A trouble reporting procedure will be established by the TSP and will be provided to each PSAP upon deployment of the PSAP 9-1-1 trunk call delivery methodology.

6. Non-emergency calls requiring direction to/involvement of the PSAP will be routed to the designated 10-digit/administrative telephone number(s) as designated by the PSAP and communicated to the TSP's call center.

C) Call intake/processing:

1. Calls will be "pre-screened" by the telematics call center personnel to determine if an emergency situation exists (i.e., the call requires follow up by a public safety answering point [PSAP]), prior to routing the call to the PSAP via the PSAP's 9-1-1 trunks. If the telematics call center personnel can not establish voice contact with the occupants of the vehicle, the delivery of the emergency call to the PSAP over PSAP 9-1-1 trunks should only be used if the telematics call center detects background noises or has crash sensor notification indicating the likelihood of an accident.
2. Calls will be transferred to the designated PSAP via the establishment of a 3-way conference call initiated by the telematics call center.
3. Telematics call center personnel will remain on the call for its duration.
4. The telematics call center will provide a "case number," or incident/call tracking identifier code to the PSAP personnel during the call, for follow up use by the PSAP (e.g., in case voice contact with the vehicle is lost, or additional incident information is required).
5. It is recommended that the TSP call center personnel be trained to a recognized industry standard for taking emergency calls from the public.

D) Non-participating PSAPs

1. Non-emergency calls requiring direction to/involvement of the PSAP will be routed to the designated 10-digit/administrative telephone number(s) as designated by the PSAP and communicated to the TSP's call center.
2. PSAPs that choose not to deploy this call delivery solution will continue to receive telematics emergency calls via the public switched telephone system (PSTN) to a 10-digit / telephone number(s) designated by the PSAP and communicated to the TSP's call center.

**Acronyms / Definitions:**

**ACN** – Automatic Crash Notification (usually air bag deployment)

**AACN** – Advanced Automatic Crash Notification ( indication of air bag deployment plus other crash-related sensor input if the vehicle is so equipped)

**ALI** – Automatic Location Identification

**CAD** – Computer Aided Dispatch

**CPE** – Customer Premises Equipment

**Emergency Call** – (Per the National Emergency Number Association "Master Glossary of 9-1-1 Terminology (NENA 00-001)" – "A telephone request for public safety agency emergency services which requires immediate action to save a life, to report a fire or to stop a crime. May include other situations as determined locally."

**ESN** – Emergency Service Number

**PSAP** – Public Safety Answering Point

**PSTN** – Public Switched Telephone Network

**Telematics** – (Per the National Emergency Number Association “Master Glossary of 9-1-1 Terminology (NENA 00-001”) – “The system of components that supports two-way communications with a motor vehicle for the collection or transmission of information and commands.”

**TSP** – Telematics Service Provider

**VoIP** – Voice over Internet Protocol

**STATE 9-1-1 COMMITTEE  
BYLAWS**

Adopted 10/6/08

1. The members entitled to vote on Committee business are the members designated in Section 713(1) of Public Act 79 of 1999 (hereafter 'the Act') or their designated representatives who shall be named in a letter from the member to the Chair of the Committee except that a member appointed under Section 713(1)(i) of the Act may not delegate his or her vote to any other person. A member appointed under Sec. 713(1)(i) may serve until replaced by his/her appointing authority.
2. The Committee shall elect one of its members to serve as chairperson and one as vice chairperson and both shall serve for a term of one year. The vice-chairperson shall be the presiding officer in the absence of the chairperson.
3. Meetings of the committee may be attended by video or telephone conference call, at the discretion of the chair. Video teleconference will be limited to a single site and only from the Upper Peninsula due to travel distances. A quorum for the conduct of committee business shall be a majority of the members designated and serving on the committee. Failure to establish a video teleconference due to technical or other problems shall not preclude conducting the meeting, as long as a quorum is present.
4. A majority for adopting any action (except bylaws) by the Committee shall be a majority of the members present when an action is proposed and a quorum is present.
5. The rules of procedure for the Committee and any subcommittees shall be Roberts Rules of Order unless superseded by these bylaws.
6. Executive Committee. An Executive Committee of the State 9-1-1 Committee is established for the purpose of the interpreting existing State 9-1-1 Committee policy when it is not practical or timely to call the State 9-1-1 Committee to order.
  - 6a. The proposed Executive Committee will not set State 9-1-1 Committee policy, nor will it interpret the law.
  - 6b. The members of the Executive Committee shall be the following members of the State 9-1-1 Committee:
    - The Director of the Department of State Police or his or her designated representative.
    - The President of the Michigan Sheriffs' Association or his or her designated representative.
    - The President of the Michigan Fire Chiefs Association or his or her designated representative.
    - The Executive Director of the Michigan Association of Ambulance Services or his or her designated representative.
    - The President of the Michigan Communications Directors Association or his or her designated representative.
    - The President of the Telecommunications Association of Michigan or his or her designated representative.
    - The representative of the Commercial Mobile Radio Service, as specified in MCL 484.1713(1) (s).
    - The current Chair of the State 9-1-1 Committee, if that individual is not the representative of one of the above organizations.
    - The current Vice Chair of the State 9-1-1 Committee, if that individual is not the representative of one of the above organizations.

- 6c. Chair of the State 9-1-1 Committee will serve as the Chair of the Executive Committee.
7. Subcommittees:
- 7a. The chairperson of the Committee, with approval of the Committee, may establish subcommittees as needed and designate the subcommittee chair.
- 7b. The Chairperson of a subcommittee must be a member of the Committee.
- 7c. The Chairperson of the subcommittee, with the concurrence of the chairperson of the Committee, shall designate members serving on the subcommittee. Other than the Chairperson, members of a subcommittee need not be Committee members. Individuals interested in serving on the subcommittee must submit a written request to the Chairperson of the subcommittee expressing such interest and stating any pertinent affiliations.
- 7d. Only duly designated members of a subcommittee may vote on issues before the subcommittee. The State E9-1-1 Coordinator is a non-voting member of all subcommittees of the State 9-1-1 Committee.
- 7e. A quorum must be present to hold an official meeting. A quorum shall consist of a simple majority of the designated members of the subcommittee.
- 7f. The subcommittee chair shall issue meeting minutes for each subcommittee meeting held, and shall forward such minutes to the State 9-1-1 Committee Chair no later than five business days prior to the next scheduled State 9-1-1 Committee meeting for distribution to the members. If this is not possible, the Subcommittee Chair shall give notice to the Chair of the State 9-1-1 Committee regarding the delay and a verbal summary will be given to the Committee, if requested.
- 7g. A member of a subcommittee may be removed if more than two subcommittee meetings are missed without prior written notice to the chairperson of the subcommittee.
- 7h. Membership of each subcommittee shall be reviewed annually by the Chair of the Committee and the chair of the subcommittee.
- 7i. A subcommittee shall make a report/recommendation to the Committee after the matter has passed with a majority vote of the subcommittee. The subcommittee chair, or the chair's designee, shall present the report/recommendation at the next scheduled Committee meeting or a special meeting duly called by the Committee Chair.
- 7j. A minority of the subcommittee can make a report/recommendation to the Committee after the subcommittee makes its report/recommendation to the Committee, but it cannot be acted on unless a Committee member makes a motion and gains support to substitute it for the report/recommendation of the subcommittee.
8. The agenda for each Committee meeting shall include a period when any member of the public may address the Committee, subject to relevancy and reasonable time limits.
9. Staff and administrative support for the Committee shall be coordinated by the Michigan State Police representative on the Committee, at the direction of the Chairperson and the Committee.
10. Any writing prepared, owned, used, in the possession of, or retained by the Committee shall be made available to the public in accord with the Freedom of Information Act (Act

No. 442 of the Public Acts of 1976), unless specifically exempted by law.

11. Business of the Committee and any subcommittees shall be in compliance with the Open Meetings Act (Act No. 267 of the Public Acts of 1976).
12. Conflicts of interest
  - 12a. The State Ethics Act (Act 196 of 1973) and the contracts of public servants with Public Entities Act (Act 317 of 1968) as amended, are adopted by the State 9-1-1 Committee in their entirety, and supersede all conflicting bylaws, policies or other rules of the State 9-1-1 Committee.
  - 12b. Individual members of the committee and/or sub-committees must promptly disclose in writing any financial or personal interest they may have to the chair of the committee or sub-committee.
  - 12c. On an annual basis, the State 9-1-1 Committee will distribute the State Ethics Act (Act 196 of 1973) and the contracts of public servants with Public Entities Act (Act 317 of 1968), as amended, to all committee and sub-committee members for their review.
13. The Chairperson of the Committee shall report two consecutive absences of any member and/or designated member to the appointing authority.
14. The bylaws may be amended by a majority of the members designated and serving on the Committee. Any proposed changes in the bylaws shall be presented to the committee of the whole at least 30 days prior to voting.

## STANDARDS OF CONDUCT FOR PUBLIC OFFICERS AND EMPLOYEES Act 196 of 1973

AN ACT to prescribe standards of conduct for public officers and employees; to create a state board of ethics and prescribe its powers and duties; and to prescribe remedies and penalties.

**History:** 1973, Act 196, Imd. Eff. Jan. 8, 1974;—Am. 1980, Act 481, Eff. Mar. 31, 1981.

*The People of the State of Michigan enact:*

### 15.341 Definitions.

Sec. 1. As used in this act:

- (a) “Board” means the board of ethics.
- (b) “Employee” means an employee, classified or unclassified, of the executive branch of this state. For the purpose of section 2b, employee shall include an employee of this state or a political subdivision of this state.
- (c) “Public officer” means a person appointed by the governor or another executive department official. For the purpose of section 2b, public officer shall include an elected or appointed official of this state or a political subdivision of this state.
- (d) “Unethical conduct” means a violation of the standards in section 2.

**History:** 1973, Act 196, Imd. Eff. Jan. 8, 1974;—Am. 1980, Act 481, Eff. Mar. 31, 1981.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

### 15.342 Public officer or employee; prohibited conduct.

Sec. 2. (1) A public officer or employee shall not divulge to an unauthorized person, confidential information acquired in the course of employment in advance of the time prescribed for its authorized release to the public.

(2) A public officer or employee shall not represent his or her personal opinion as that of an agency.

(3) A public officer or employee shall use personnel resources, property, and funds under the officer or employee's official care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.

(4) A public officer or employee shall not solicit or accept a gift or loan of money, goods, services, or other thing of value for the benefit of a person or organization, other than the state, which tends to influence the manner in which the public officer or employee or another public officer or employee performs official duties.

(5) A public officer or employee shall not engage in a business transaction in which the public officer or employee may profit from his or her official position or authority or benefit financially from confidential information which the public officer or employee has obtained or may obtain by reason of that position or authority. Instruction which is not done during regularly scheduled working hours except for annual leave or vacation time shall not be considered a business transaction pursuant to this subsection if the instructor does not have any direct dealing with or influence on the employing or contracting facility associated with his or her course of employment with this state.

(6) Except as provided in section 2a, a public officer or employee shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the officer or employee's official duties or when that employment may tend to impair his or her independence of judgment or action in the performance of official duties.

(7) Except as provided in section 2a, a public officer or employee shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision relating to a business entity in which the public officer or employee has a financial or personal interest.

**History:** 1973, Act 196, Imd. Eff. Jan. 8, 1974;—Am. 1978, Act 352, Imd. Eff. July 12, 1978;—Am. 1984, Act 53, Imd. Eff. Apr. 12, 1984.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

### 15.342a MCL 15.301 to 15.310 and MCL 15.321 to 15.330 not amended or modified; purpose

**of act; validity of contract in violation of act; voting on, making, or participating in governmental decisions; “governmental decision” defined.**

Sec. 2a. (1) This act shall not in any manner amend or modify the terms of Act No. 317 of the Public Acts of 1968, being sections 15.321 to 15.330 of the Michigan Compiled Laws and Act No. 318 of the Public Acts of 1968, being sections 15.301 to 15.310 of the Michigan Compiled Laws.

(2) This act is intended as a code of ethics for public officers and employees and not as a rule of law for public contracts. A contract in respect to which a public officer or employee acts in violation of this act, shall not be considered to be void or voidable unless the contract is a violation of another statute which specifically provides for the remedy.

(3) Subject to subsection (4), section 2(6) and (7) shall not apply and a public officer shall be permitted to vote on, make, or participate in making a governmental decision if all of the following occur:

(a) The requisite quorum necessary for official action on the governmental decision by the public entity to which the public officer has been elected or appointed is not available because the participation of the public officer in the official action would otherwise violate section 2(6) or (7).

(b) The public officer is not paid for working more than 25 hours per week for this state or a political subdivision of this state.

(c) The public officer promptly discloses any personal, contractual, financial, business, or employment interest he or she may have in the governmental decision and the disclosure is made part of the public record of the official action on the governmental decision.

(4) If a governmental decision involves the awarding of a contract, section 2(6) and (7) shall not apply and a public officer shall be permitted to vote on, make, or participate in making the governmental decision if all of the following occur:

(a) All of the conditions of subsection (3) are fulfilled.

(b) The public officer will directly benefit from the contract in an amount less than \$250.00 or less than 5% of the public cost of the contract, whichever is less.

(c) The public officer files a sworn affidavit containing the information described in subdivision (b) with the legislative or governing body making the governmental decision.

(d) The affidavit required by subdivision (c) is made a part of the public record of the official action on the governmental decision.

(5) As used in this section, “governmental decision” means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, ordinance, or measure on which a vote by the members of a legislative or governing body of a public entity is required and by which a public entity formulates or effectuates public policy.

**History:** 1973, Act 196, Imd. Eff. Jan. 8, 1974;—Am. 1984, Act 53, Imd. Eff. Apr. 12, 1984.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed §§4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

**15.342b Report of violation; applicability of sanctions; civil fine.**

Sec. 2b. (1) A public officer or employee who has knowledge that another public officer or employee has violated section 2 may report the existence of the violation to a supervisor, person, agency, or organization. A public officer or employee who reports or is about to report a violation of section 2 shall not be subject to any of the following sanctions because they reported or were about to report a violation of section 2.

(a) Dismissal from employment or office.

(b) Withholding of salary increases that are ordinarily forthcoming to the employee.

(c) Withholding of promotions that are ordinarily forthcoming to the employee.

(d) Demotion in employment status.

(e) Transfer of employment location.

(2) Whenever a public officer or employee who has reported or who intends to report a violation of section 2 may be subject to any of the sanctions under this section for reasons other than the public officer's or employee's actions in reporting or intending to report a violation of section 2, the appointing or supervisory authority before the imposition of a sanction shall establish by a preponderance of evidence that the sanction to be imposed is not imposed because the public officer or employee reported or intended to report a violation of section 2.

(3) A person who violates this section is liable for a civil fine of not more than \$500.00.

(4) A civil fine recovered under this section shall be submitted to the state treasurer for deposit in the general fund of this state.

**History:** Add. 1978, Act 352, Imd. Eff. July 12, 1978;—Am. 1980, Act 481, Eff. Mar. 31, 1981.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

#### **15.342c Civil action; commencement of action; “damages” defined.**

Sec. 2c. (1) A person who alleges a violation of section 2b may bring a civil action for appropriate injunctive relief, or actual damages, or both within 90 days after the occurrence of the alleged violation of this act.

(2) An action commenced pursuant to subsection (1) may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides.

(3) As used in subsection (1), “damages” means damages for injury or loss caused by each violation of section 2b, including reasonable attorney fees.

**History:** Add. 1980, Act 481, Eff. Mar. 31, 1981.

#### **15.342d Court order; costs.**

Sec. 2d. A court, in rendering a judgment in an action brought pursuant to section 2b, shall order, as the court considers appropriate, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies. A court may also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, if the court determines that the award is appropriate.

**History:** Add. 1980, Act 481, Eff. Mar. 31, 1981.

#### **15.342e Posting notices of protections and obligations.**

Sec. 2e. An employer shall post notices and use other appropriate means to keep his or her employees informed of their protections and obligations under this act.

**History:** Add. 1980, Act 481, Eff. Mar. 31, 1981.

#### **15.343 Board of ethics; creation; function.**

Sec. 3. (1) There is hereby created within the executive office of the governor a board of ethics.

(2) The function of the board shall be advisory and investigatory and the board is not empowered to take direct action against any person or agency.

**History:** 1973, Act 196, Imd. Eff. Jan. 8, 1974.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

#### **15.344 Board of ethics; appointment, qualifications, and terms of members; vacancies; ex officio members; quorum; action by board; compensation; executive secretary; clerical or administrative assistance.**

Sec. 4. (1) The board of ethics shall consist of 7 members appointed by the governor, with the advice and consent of the senate, 1 of whom shall be designated as chairman and all of whom shall be residents of the state and not associated with public employment. Not more than 4 members of the board shall be members of the same political party. Initial appointments shall be made for terms commencing 30 days after the effective date of this act. Of those first appointed 2 shall serve for 1 year, 2 shall serve for 2 years, and 3 shall serve for 3 years. For the 1 year, 2 year and 3 year terms, at least 1 member for each such term shall be of the same political party. In the event of a vacancy, the governor shall fill the vacancy for the remainder of the term. Subsequent to the initial appointments, members shall be appointed for terms of 4 years.

(2) The attorney general and the state personnel director shall serve ex officio without the right to vote.

(3) Four members of the board shall constitute a quorum and the affirmative vote of 4 members shall be necessary for any action. Members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. With the consent of the civil service commission, the state personnel director shall designate an employee of the department of civil service, acceptable to the board, to act as executive secretary of the board and shall provide clerical or administrative assistance from the department of civil service as the board may, from time to time, request.

**History:** 1973, Act 196, Imd. Eff. Jan. 8, 1974.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

### **15.345 Board of ethics; powers and duties.**

Sec. 5. (1) The board shall:

(a) Receive complaints concerning alleged unethical conduct by a public officer or employee from any person or entity, inquire into the circumstances surrounding the alleged unethical conduct, and make recommendations concerning individual cases to the appointing authority with supervisory responsibility for the person whose activities have been investigated. All departments of state government shall cooperate with the board of ethics in the conduct of its investigations.

(b) Initiate investigations of practices that could affect ethical conduct of a public officer or employee.

(c) Hold public hearings.

(d) Administer oaths and receive sworn testimony.

(e) Issue and publish advisory opinions upon request from a public officer or employee or their appointing or supervisory authority relating to matters affecting ethical conduct of a public officer or employee.

(2) In the issuance of investigative reports and recommendations and advisory opinions, the board shall be advised as to legal matters by the attorney general.

(3) When a recommendation to an appointing authority is made by the board which affects a classified employee, the appointing authority shall initiate appropriate proceedings in accordance with such recommendation and pursuant to the rules of the civil service commission.

(4) When a recommendation to an appointing authority is made by the board concerning an unclassified employee or appointee, the appointing authority shall take appropriate disciplinary action which may include dismissal.

**History:** 1973, Act 196, Imd. Eff. Jan. 8, 1974.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

### **15.346 Rules.**

Sec. 6. The board may promulgate rules governing its own procedures pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws. For a period of 1 year following the effective date of this act the board shall have full authority to exercise all of its functions in accordance with temporary rules of procedure promulgated by the board. Both the temporary and permanent rules of the board shall provide that:

(a) The board may request the attendance of any witness whose testimony, in the judgment of the board, will aid in the conduct of its investigations.

(b) A person appearing before the board shall submit either sworn or unsworn testimony as the board may decide and may at all times be represented and accompanied by counsel.

(c) A record of testimony taken before the board or a hearing officer designated by it shall be made in the manner prescribed by the board.

(d) The board may, when it appears necessary for the protection of individual rights, hold its meetings and hearings in private. All other meetings and hearings shall be open to the public.

**History:** 1973, Act 196, Imd. Eff. Jan. 8, 1974.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

**Administrative rules:** R 15.1 et seq. of the Michigan Administrative Code.

### **15.347 Appropriation.**

Sec. 7. There is appropriated from the general fund of the state an amount necessary to implement this act but not to exceed \$10,000.00 for the fiscal year ending June 30, 1974.

**History:** 1973, Act 196, Imd. Eff. Jan. 8, 1974.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

**15.348 Other acts not superseded; interpretation and administration of act.**

Sec. 8. The provisions of this act shall not supersede the provisions of any other acts heretofore or hereinafter enacted and shall be interpreted and administered to the extent not inconsistent with other acts.

**History:** 1973, Act 196, Imd. Eff. Jan. 8, 1974.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

**CONTRACTS OF PUBLIC SERVANTS WITH PUBLIC ENTITIES**  
**Act 317 of 1968**

AN ACT relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts.

**History:** 1968, Act 317, Eff. Sept. 1, 1968;—Am. 1984, Act 81, Imd. Eff. Apr. 18, 1984.

*The People of the State of Michigan enact:*

**15.321 Public servants, contracts with public entities; definitions.**

Sec. 1. As used in this act:

(a) “Public servant” includes all persons serving any public entity, except members of the legislature and state officers who are within the provisions of section 10 of article 4 of the state constitution as implemented by legislative act.

(b) “Public entity” means the state including all agencies thereof, any public body corporate within the state, including all agencies thereof, or any non-incorporated public body within the state of whatever nature, including all agencies thereof.

**History:** 1968, Act 317, Eff. Sept. 1, 1968.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

**15.322 Public servant; soliciting, negotiating, renegotiating, approving, or representing a party to a contract with public entity prohibited.**

Sec. 2. (1) Except as provided in sections 3 and 3a, a public servant shall not be a party, directly or indirectly, to any contract between himself or herself and the public entity of which he or she is an officer or employee.

(2) Except as provided in section 3, a public servant shall not directly or indirectly solicit any contract between the public entity of which he or she is an officer or employee and any of the following:

(a) Him or herself.

(b) Any firm, meaning a co-partnership or other unincorporated association, of which he or she is a partner, member, or employee.

(c) Any private corporation in which he or she is a stockholder owning more than 1% of the total outstanding stock of any class if the stock is not listed on a stock exchange, or stock with a present total market value in excess of \$25,000.00 if the stock is listed on a stock exchange or of which he or she is a director, officer, or employee.

(d) Any trust of which he or she is a beneficiary or trustee.

(3) In regard to a contract described in subsection (2), a public servant shall not do either of the following:

(a) Take any part in the negotiations for such a contract or the renegotiation or amendment of the contract, or in the approval of the contract.

(b) Represent either party in the transaction.

**History:** 1968, Act 317, Eff. Sept. 1, 1968;—Am. 1992, Act 9, Imd. Eff. Mar. 10, 1992.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

**15.323 Applicability of MCL 15.322 to public servants; requirements of contract; making or participating in governmental decision; counting members for purposes of quorum; voting; affidavit; “governmental decision” defined.**

Sec. 3. (1) Section 2 does not apply to either of the following:

(a) A public servant who is paid for working an average of 25 hours per week or less for a public entity.

(b) A public servant who is an employee of a public community college, junior college, or state college or university.

(2) A contract as defined in and limited by section 2 involving a public entity and a public servant described in subsection (1) shall meet all of the following requirements:

(a) The public servant promptly discloses any pecuniary interest in the contract to the official body that has

power to approve the contract, which disclosure shall be made a matter of record in its official proceedings. Unless the public servant making the disclosure will directly benefit from the contract in an amount less than \$250.00 and less than 5% of the public cost of the contract and the public servant files a sworn affidavit to that effect with the official body or the contract is for emergency repairs or services, the disclosure shall be made in either of the following manners:

(i) The public servant promptly discloses in writing to the presiding officer, or if the presiding officer is the public servant who is a party to the contract, to the clerk, the pecuniary interest in the contract at least 7 days prior to the meeting at which a vote will be taken. The disclosure shall be made public in the same manner as a public meeting notice.

(ii) The public servant discloses the pecuniary interest at a public meeting of the official body. The vote shall be taken at a meeting of the official body held at least 7 days after the meeting at which the disclosure is made. If the amount of the direct benefit to the public servant is more than \$5,000.00, disclosure must be made as provided under this subparagraph.

(b) The contract is approved by a vote of not less than 2/3 of the full membership of the approving body in open session without the vote of the public servant making the disclosure.

(c) The official body discloses the following summary information in its official minutes:

(i) The name of each party involved in the contract.

(ii) The terms of the contract, including duration, financial consideration between parties, facilities or services of the public entity included in the contract, and the nature and degree of assignment of employees of the public entity for fulfillment of the contract.

(iii) The nature of any pecuniary interest.

(3) This section and section 2 do not prevent a public servant from making or participating in making a governmental decision to the extent that the public servant's participation is required by law. If 2/3 of the members are not eligible under this act to vote on a contract or to constitute a quorum, a member may be counted for purposes of a quorum and may vote on the contract if the member will directly benefit from the contract in an amount less than \$250.00 and less than 5% of the public cost of the contract and the member files a sworn affidavit to that effect with the official body. The affidavit shall be made a part of the public record of the official proceedings. As used in this subsection, "governmental decision" means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, ordinance, order, or measure on which a vote by members of a local legislative or governing body of a public entity is required and by which a public body effectuates or formulates public policy.

**History:** 1968, Act 317, Eff. Sept. 1, 1968;—Am. 1981, Act 100, Imd. Eff. July 15, 1981;—Am. 1982, Act 207, Imd. Eff. July 1, 1982;—Am. 1984, Act 81, Imd. Eff. Apr. 18, 1984;—Am. 1984, Act 184, Imd. Eff. July 3, 1984;—Am. 1997, Act 145, Eff. Mar. 2, 1998

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

### **15.323a Construction of MCL 15.322.**

Sec. 3a. Section 2 shall not be construed to do any of the following:

(a) Prohibit public servants of 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 as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.

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

(i) A full-time firefighter.

(ii) A fire chief.

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

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

(d) Prohibit public servants of this state from purchasing at a tax sale lands returned as delinquent for taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, unless otherwise prohibited by the rules of the Michigan civil service commission or the department or agency of which that public servant is an employee.

(e) Prohibit a superintendent of an intermediate school district from serving simultaneously as

superintendent of a local school district, or prohibit an intermediate school district from contracting with another person to serve as superintendent of a local school district, even if the local school district is a constituent district of the intermediate school district. As used in this subdivision, "constituent district" means that term as defined in section 3 of the revised school code, 1976 PA 451, MCL 380.3.

**History:** Add. 1992, Act 9, Imd. Eff. Mar. 10, 1992;—Am. 1996, Act 203, Imd. Eff. May 17, 1996;—Am. 2011, Act 106, Imd. Eff. July 19, 2011.

#### **15.324 Public servants; contracts excepted; violation as felony.**

Sec. 4. (1) The prohibitions of section 2 shall not apply to any of the following:

(a) Contracts between public entities.

(b) Contracts awarded to the lowest qualified bidder, other than a public servant, upon receipt of sealed bids pursuant to a published notice. Except as authorized by law, the notice shall not bar any qualified person, firm, corporation, or trust from bidding. This subsection shall not apply to amendments or renegotiations of a contract nor to additional payments made under a contract which were not authorized by the contract at the time of award.

(c) Contracts for public utility services where the rates are regulated by the state or federal government.

(d) Contracts to purchase residential property. A public servant of a city or village may purchase 1 to 4 parcels not less than 18 months between each purchase. This subdivision does not apply to public servants of a city or village who have been appointed or elected to their position or whose employment responsibilities include the purchase or selling of property for the city or village. This subdivision shall apply only to a city or village that has adopted an ethics ordinance which was in effect at the time the residential property was purchased.

(2) A person that violates subsection (1)(d) is guilty of a felony punishable by imprisonment for not more than 1 year or a fine of not less than \$1,000.00 or more than 3 times the value of the property purchased.

**History:** 1968, Act 317, Eff. Sept. 1, 1968;—Am. 2005, Act 198, Imd. Eff. Nov. 9, 2005.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

#### **15.325 Public servants, voidability of contracts; procedure, knowledge, limitation, reimbursement, settlements, evidences of indebtedness.**

Sec. 5. (1) This act is aimed to prevent public servants from engaging in certain activities and is not intended to penalize innocent persons. Therefore, no contract shall be absolutely void by reason of this act. Contracts involving prohibited activities on the part of public servants shall be voidable only by decree of a court of proper jurisdiction in an action by the public entity, which is a party thereto, as to any person, firm, corporation or trust that entered into the contract or took any assignment thereof, with actual knowledge of the prohibited activity. In the case of the corporation, the actual knowledge must be that of a person or body finally approving the contract for the corporation. All actions to avoid any contract hereunder shall be brought within 1 year after discovery of circumstances suggesting a violation of this act. In order to meet the ends of justice any such decree shall provide for the reimbursement of any person, firm, corporation or trust for the reasonable value of all moneys, goods, materials, labor or services furnished under the contract, to the extent that the public entity has benefited thereby. This provision shall not prohibit the parties from arriving at an amicable settlement.

(2) Negotiable and nonnegotiable bonds, notes or evidences of indebtedness, whether heretofore or hereafter issued, in the hands of purchasers for value, shall not be void or voidable by reason of this act or of any previous statute, charter or rule of law.

**History:** 1968, Act 317, Eff. Sept. 1, 1968.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

#### **15.326 Public servants, validity of existing contracts.**

Sec. 6. If any public entity has, prior to the effective date of this act, entered into any contract under which moneys, goods, materials, labor or services have been actually received by the public entity, which was void or voidable under any act, charter or rule of law because of a conflict of interest on the part of a public servant at the time of the execution thereof, such contract shall be fully enforceable notwithstanding such conflict of interest, by any party thereto other than such public servant.

**History:** 1968, Act 317, Eff. Sept. 1, 1968.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

### 15.327 Penalty for violation.

Sec. 7. Any person violating the provisions of this act is guilty of a misdemeanor.

**History:** 1968, Act 317, Eff. Sept. 1, 1968.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

### 15.328 Other laws superseded; local ordinances.

Sec. 8. It is the intention that this act shall constitute the sole law in this state and shall supersede all other acts in respect to conflicts of interest relative to public contracts, involving public servants other than members of the legislature and state officers, including but not limited to section 30 of 1851 PA 156, MCL 46.30. This act does not prohibit a unit of local government from adopting an ordinance or enforcing an existing ordinance relating to conflict of interest in subjects other than public contracts involving public servants.

**History:** 1968, Act 317, Eff. Sept. 1, 1968;—Am. 1997, Act 145, Eff. Mar. 2, 1998.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

### 15.329 Repeal.

Sec. 9. The following acts and parts of acts are repealed:

Year of act	Public Act No.	Section numbers	Compiled Law sections (1948)
1895	3	6 of chapter 5	65.6
1895	215	16 of chapter 8	88.16
1931	328	122	750.122
1955	269	969	340.969
1966	317		15.161 to 15.172

**History:** 1968, Act 317, Eff. Sept. 1, 1968.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.

### 15.330 Effective date.

Sec. 10. This act shall take effect September 1, 1968.

**History:** 1968, Act 317, Eff. Sept. 1, 1968.

**Compiler's note:** Section 191 of Act 227 of the Public Acts of 1975 repealed MCL 4.401 to 4.410, 168.901 to 168.929, 15.321 to 15.330, 15.301 to 15.310, and 15.341 to 15.348. The Michigan Supreme Court, however, in Advisory Opinion on Constitutionality of 1975 PA 227, 396 Mich. 123, 240 N.W.2d 193 (1976), held Act 227 of the Public Acts of 1975 unconstitutional for being in violation of Mich. Const., Art. 4, § 24.