

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1076

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending sections 204 and 216 (MCL 330.1204 and 330.1216), as
amended by 1995 PA 290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 204. (1) ~~—A—~~ **Except as provided in subsection (4), a**
2 community mental health services program established under this
3 chapter shall be a county community mental health agency, a
4 community mental health organization, or a community mental
5 health authority. A county community mental health agency is an
6 official county agency. A community mental health organization
7 or a community mental health authority is a public governmental
8 entity separate from the county or counties that establish it.
9 (2) Procedures and policies for a community mental health
10 organization or a community mental health authority shall be set

1 by the board of the community mental health services program.
2 Procedures and policies for a county community mental health
3 agency shall be set by the board of commissioners or boards of
4 commissioners as prescribed in this subsection. If a county
5 community mental health services agency represents a single
6 county, the county's board of commissioners shall determine the
7 procedures and policies that shall be applicable to the agency.
8 If a county community mental health services agency represents 2
9 or more counties, the boards of commissioners of the represented
10 counties shall by agreement determine the procedures and policies
11 that shall be applicable to the agency. In a charter county with
12 an elected county executive, the county executive shall determine
13 the procedures and policies that shall be applicable to the
14 agency.

15 (3) The procedures and policies for multicounty community
16 mental health services programs shall not take effect until at
17 least 3 public hearings on the proposed procedures and policies
18 have been held.

19 (4) Beginning October 1, 2005, in order to qualify for state
20 support under section 202, if a single charter county that has
21 situated totally within that county a city having a population of
22 at least 500,000 establishes a community mental health services
23 program, that community mental health services program shall be
24 established as a community mental health authority as specified
25 under section 205.

26 Sec. 216. Notwithstanding the provisions of sections 212 and
27 214, when a single county establishes a community mental health

1 services program and totally situated within that county is a
2 city having a population of at least 500,000, 6 of the 12 board
3 members shall be appointed to the board by the city's chief
4 executive officer. In a charter county, the remaining 6 members
5 shall be appointed to the board by the county's chief executive
6 officer, with the advice and consent of the county board of
7 commissioners. The 6 board members appointed by the city shall
8 be residents of the city, and the 6 board members appointed by
9 the county or by the county executive in a charter county shall
10 be residents of the county but not of the city. **No member**
11 **appointed to the board by the city's chief executive officer or**
12 **by the county's chief executive officer shall be a public**
13 **employee of either the city or the county. For the purpose of**
14 **this section, "public employee" means that term as defined in**
15 **section 1 of 1978 PA 566, MCL 15.181.**