

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 557

A bill to amend 1974 PA 258, entitled  
"Mental health code,"  
by amending section 222 (MCL 330.1222), as amended by 1995  
PA 290.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 222. (1) The composition of a community mental health  
2 services board shall be representative of providers of mental  
3 health services, recipients or primary consumers of mental health  
4 services, agencies and occupations having a working involvement  
5 with mental health services, and the general public. At least  
6 1/3 of the membership shall be primary consumers or family mem-  
7 bers, and of that 1/3 at least 2 members shall be primary  
8 consumers. All board members shall be 18 years of age or older.  
9       (2) Not more than 4 members of a board may be county  
10 commissioners, except that ~~when~~ IF a board represents 5 or more

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1 counties, the number of county commissioners who may serve on the  
2 board may equal the number of counties represented on the board,  
3 and the total of 12 board memberships shall be increased by the  
4 number of county commissioners serving on the board that exceeds  
5 4. ~~No~~ NOT more than half of the total board members may be  
6 state, county, or local public officials. For purposes of this  
7 section, public officials are defined as individuals serving in  
8 an elected or appointed public office or employed more than 20  
9 hours per week by an agency of federal, state, city, or local  
10 government.

11 (3) A board member shall have his or her primary place of  
12 residence in the county he or she represents.

13 (4) An individual shall not be appointed to and shall not  
14 serve on a board if he or she is 1 or more of the following:

15 (a) Employed by the department or the community mental  
16 health services program.

17 (b) A party to a contract with the community mental health  
18 services program or administering or benefiting financially from  
19 a contract with the community mental health services program,  
20 EXCEPT FOR A PARTY TO A CONTRACT BETWEEN A COMMUNITY MENTAL  
21 HEALTH SERVICES PROGRAM AND A REGIONAL ENTITY OR A SEPARATE LEGAL  
22 OR AN ADMINISTRATIVE ENTITY CREATED BY 2 OR MORE COMMUNITY MENTAL  
23 HEALTH SERVICES PROGRAMS UNDER THE URBAN COOPERATION ACT OF 1967,  
24 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512, OR UNDER 1967 (EX  
25 SESS) PA 8, MCL 124.531 TO 124.536.

26 (c) Serving in a policy-making position with an agency under  
27 contract with the community mental health services program,

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1 EXCEPT FOR AN INDIVIDUAL SERVING IN A POLICY-MAKING POSITION WITH  
2 A JOINT BOARD OR COMMISSION ESTABLISHED UNDER 1967 (EX SESS)  
3 PA 8, MCL 124.531 TO 124.536, OR A REGIONAL ENTITY TO PROVIDE  
4 COMMUNITY MENTAL HEALTH SERVICES.

5 (5) If a board member is an employee or independent contrac-  
6 tor in other than a policy-making position with an agency with  
7 which the board is considering entering into a contract, the con-  
8 tract shall not be approved unless all of the following require-  
9 ments are met:

10 (a) The board member shall promptly disclose his or her  
11 interest in the contract to the board.

12 (b) The contract shall be approved by a vote of not less  
13 than 2/3 of the membership of the board in an open meeting with-  
14 out the vote of the board member in question.

15 (c) The official minutes of the meeting at which the con-  
16 tract is approved ~~shall contain~~ CONTAINS the details of the  
17 contract ~~—~~, including, but not limited to, names of all parties  
18 and the terms of the contract ~~—~~, and the nature of the board  
19 member's interest in the contract.

20 (6) SUBSECTION (5) DOES NOT APPLY TO A BOARD MEMBER WHO IS  
21 AN EMPLOYEE OR INDEPENDENT CONTRACTOR IN OTHER THAN A  
22 POLICY-MAKING POSITION WITH A JOINT BOARD OR COMMISSION ESTAB-  
23 LISHED UNDER 1967 (EX SESS) PA 8, MCL 124.531 TO 124.536, A SEPA-  
24 RATE LEGAL OR ADMINISTRATIVE ENTITY ESTABLISHED UNDER THE URBAN  
25 COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO  
26 124.512, A COMBINATION OF MUNICIPAL CORPORATIONS JOINED UNDER

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1 1951 PA 35, MCL 124.1 TO 124.13, OR A REGIONAL ENTITY TO PROVIDE  
2 COMMUNITY MENTAL HEALTH SERVICES.

3       (7) ~~(6)~~ In order to meet the requirement under subsection  
4 (1) related to the appointment of primary consumers and family  
5 members without terminating the appointment of a board member  
6 serving on the effective date of this subsection, the size of a  
7 board may exceed the size prescribed in section 212. A board  
8 that is different in size than that prescribed in section 212  
9 shall be brought into compliance within 3 years after the  
10 appointment of the additional board members.