

# SENATE BILL No. 557

June 26, 2001, Introduced by Senator HAMMERSTROM and referred to the Committee on Families, Mental Health and Human Services.

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

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.

22 (c) Serving in a policy-making position with an agency under  
23 contract with the community mental health services program,  
24 EXCEPT FOR AN INDIVIDUAL SERVING IN A POLICY-MAKING POSITION WITH  
25 A JOINT BOARD OR COMMISSION ESTABLISHED UNDER 1967 (EX SESS) PA  
26 8, MCL 124.531 TO 124.536, OR A REGIONAL ENTITY TO PROVIDE  
27 COMMUNITY MENTAL HEALTH SERVICES.

1 (5) If a board member is an employee or independent  
2 contractor in other than a policy-making position with an agency  
3 with which the board is considering entering into a contract, the  
4 contract shall not be approved unless all of the following  
5 requirements are met:

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

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

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

16 (6) SUBSECTION (5) DOES NOT APPLY TO A BOARD MEMBER WHO IS  
17 AN EMPLOYEE OR INDEPENDENT CONTRACTOR IN OTHER THAN A  
18 POLICY-MAKING POSITION WITH A JOINT BOARD OR COMMISSION ESTAB-  
19 LISHED UNDER 1967 (EX SESS) PA 8, MCL 124.531 TO 124.536, OR A  
20 REGIONAL ENTITY TO PROVIDE COMMUNITY MENTAL HEALTH SERVICES.

21 ~~(6)~~ (7) In order to meet the requirement under subsection  
22 (1) related to the appointment of primary consumers and family  
23 members without terminating the appointment of a board member  
24 serving on the effective date of this subsection, the size of a  
25 board may exceed the size prescribed in section 212. A board  
26 that is different in size than that prescribed in section 212

1 shall be brought into compliance within 3 years after the  
2 appointment of the additional board members.