



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 778 (as introduced 10-15-03)
Sponsor: Senator Bev Hammerstrom
Committee: Health Policy

Date Completed: 3-1-04

CONTENT

The bill would amend Public Act 566 of 1978, which prohibits public officers and employees from holding incompatible offices, to allow an officer or employee of a community mental health services program (CMHSP) to serve as a public officer or employee of another legal or administrative entity.

Specifically, Section 2 of the Act prohibits a public officer or public employee from holding two or more incompatible offices at the same time, except under certain circumstances. The bill specifies that Section 2 would not prohibit a public officer or public employee of a community mental health services program from serving as a public officer or public employee of a separate legal or administrative entity created by two or more CMHSPs under the Urban Cooperation Act, a joint board or commission created under Public Act 8 of 1967, or a regional entity created under Section 204b of the Mental Health Code, whether or not the separate legal or administrative entity, joint board or commission, or regional entity could enter into contracts or agreements with one or more of the CMHSPs. (Under the Mental Health Code, a CMHSP is a program operated as a county community mental health agency, a community mental health authority, or a community mental health organization.)

Under the Urban Cooperation Act, two public agencies may enter into an interlocal agreement for a joint exercise of power. The interlocal agreement may provide for the precise organization, composition, and nature of any separate legal or administrative entity created to administer or execute the agreement.

Public Act 8 of 1967 authorizes two or more political subdivisions to enter into a contract with each other providing for the transfer of functions or responsibilities to one another. The political subdivisions may establish a joint board or commission to supervise the execution of the contract.

Section 204b of the Mental Health Code allows a combination of community mental health organizations or authorities to establish a regional entity to provide specialty services and supports by adopting bylaws that satisfy the Code's requirements.

MCL 15.183

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Steve Angelotti

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