

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senators Hammerstrom and Johnson

ENROLLED SENATE BILL No. 1076

AN ACT to amend 1974 PA 258, entitled "An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts," 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:

Sec. 204. (1) Except as provided in subsection (4), a community mental health services program established under this chapter shall be a county community mental health agency, a community mental health organization, or a community mental health authority. A county community mental health agency is an official county agency. A community mental health organization or a community mental health authority is a public governmental entity separate from the county or counties that establish it.

(2) Procedures and policies for a community mental health organization or a community mental health authority shall be set by the board of the community mental health services program. Procedures and policies for a county community mental health agency shall be set by the board of commissioners or boards of commissioners as prescribed in this subsection. If a county community mental health services agency represents a single county, the county's board of commissioners shall determine the procedures and policies that shall be applicable to the agency. If a county community mental health services agency represents 2 or more counties, the boards of commissioners of the represented counties shall by agreement determine the procedures and policies that shall be applicable to the agency. In a charter county with an elected county executive, the county executive shall determine the procedures and policies that shall be applicable to the agency.

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

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

Sec. 216. Notwithstanding the provisions of sections 212 and 214, when a single county establishes a community mental health services program and totally situated within that county is a city having a population of at least 500,000, 6 of the 12 board members shall be appointed to the board by the city's chief executive officer. In a charter county, the remaining 6 members shall be appointed to the board by the county's chief executive officer, with the advice and consent of the county board of commissioners. The 6 board members appointed by the city shall be residents of the city, and the 6 board members appointed by the county or by the county executive in a charter county shall be residents of the county but not of the city. No member appointed to the board by the city's chief executive officer or by the county's chief executive officer shall be a public employee of either the city or the county. For the purpose of this section, "public employee" means that term as defined in section 1 of 1978 PA 566, MCL 15.181.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Gay E. Randall

Clerk of the House of Representatives

Approved

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Governor