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BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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Senate Bill 431

Sponsor: Senator Frederick Dillingham

Committee: Education and Mental Health

Date Completed: 4-18-90

SUMMARY OF SENATE BILL 431 as introduced 5-9-89:

The bill would amend the Mental Health Code to provide that the board of a county community mental health program, a private agency that the board contracted with, or an employee of the board or private agency would not be liable for civil damages as a result of acts or omissions by an employee in transporting a person to participate in a county community mental health program or receive a mental health service. The bill specifies that this provision would not provide immunity from civil liability if the acts or omissions amounted to gross negligence or willful and wanton misconduct.

Proposed MCL 330.1247

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. The bill could enable community mental health boards to avoid an increase in State funding that they may experience under current law if they are unable to contract for transportation services due to liability concerns. (Boards pass on costs to the State by the contracting process with the Department of Mental Health.) The costs to local operations for transportation services seems to be lessened by the boards' ability to contract for these services, as opposed to supplying the equipment and personnel to transport clients. Two boards that do operate transportation services budget the services in a range from \$168,000 to \$250,000 for fiscal year 1989-90.

Fiscal Analyst: C. Cole

S.B. 431 (4-18-90)

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