

SUBSTITUTE FOR  
HOUSE BILL NO. 5744

A bill to amend 1974 PA 258, entitled  
"Mental health code,"  
by amending sections 114 and 114a (MCL 330.1114 and 330.1114a),  
section 114 as amended and section 114a as added by 1995 PA 290.

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

1       Sec. 114. (1) Subject to section 114a, as provided in section  
2   9 of ~~Act No. 380 of the Public Acts of 1965, being section 16.109~~  
3   ~~of the Michigan Compiled Laws~~ **THE EXECUTIVE ORGANIZATION ACT OF**  
4   **1965, 1965 PA 380, MCL 16.109**, the director may promulgate rules as  
5   necessary to carry out the functions vested in the department.  
6       (2) ~~All modifications to rules that are needed to comply with~~  
7   ~~the amendatory act that added this subsection shall be submitted to~~  
8   ~~public hearing within 2 years after the effective date of that~~  
9   ~~amendatory act.~~ **A RULE PROMULGATED UNDER THIS ACT OR AN EXCEPTION**

1 TO A RULE PROMULGATED UNDER THIS ACT SHALL NOT DISCRIMINATE IN  
2 FAVOR OF OR AGAINST ANY PROVIDER, FACILITY, OR EMPLOYER LICENSED  
3 UNDER THIS ACT BASED ON THE PRESENCE OF, OR LACK OF, A COLLECTIVE  
4 BARGAINING AGREEMENT WITH EMPLOYEES, NOR SHALL COLLECTIVE  
5 BARGAINING STATUS, LEVEL OF WAGES, OR FRINGE BENEFITS BE USED TO  
6 DEMONSTRATE OR EXCUSE COMPLIANCE WITH STATE LICENSING OR REGULATORY  
7 STANDARDS OR REQUIREMENTS.

8 Sec. 114a. ~~If the Michigan supreme court rules that sections~~  
9 ~~45 and 46 of the administrative procedures act of 1969, Act No. 306~~  
10 ~~of the Public Acts of 1969, being sections 24.245 and 24.246 of the~~  
11 ~~Michigan Compiled Laws, are unconstitutional, and a statute~~  
12 ~~requiring legislative review of administrative rules is not enacted~~  
13 ~~within 90 days after the Michigan supreme court ruling, any~~  
14 ~~provision of this act that requires or permits the department to~~  
15 ~~promulgate rules does not apply.~~ A RULE PROMULGATED UNDER THIS ACT  
16 OR AN EXCEPTION TO A RULE PROMULGATED UNDER THIS ACT SHALL NOT  
17 DISCRIMINATE IN FAVOR OF OR AGAINST ANY PROVIDER, FACILITY, OR  
18 EMPLOYER LICENSED UNDER THIS ACT BASED ON THE PRESENCE OF, OR LACK  
19 OF, A COLLECTIVE BARGAINING AGREEMENT WITH EMPLOYEES, NOR SHALL  
20 COLLECTIVE BARGAINING STATUS, LEVEL OF WAGES, OR FRINGE BENEFITS BE  
21 USED TO DEMONSTRATE OR EXCUSE COMPLIANCE WITH STATE LICENSING OR  
22 REGULATORY STANDARDS OR REQUIREMENTS.