

Act No. 13  
Public Acts of 1991  
Approved by the Governor  
April 25, 1991  
Filed with the Secretary of State  
April 25, 1991

**STATE OF MICHIGAN  
86TH LEGISLATURE  
REGULAR SESSION OF 1991**

Introduced by Senator Pridnia

# **ENROLLED SENATE BILL No. 119**

AN ACT to amend section 20145 of Act No. 368 of the Public Acts of 1978, entitled as amended "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," as amended by Act No. 331 of the Public Acts of 1990, being section 333.20145 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 20145 of Act No. 368 of the Public Acts of 1978, as amended by Act No. 331 of the Public Acts of 1990, being section 333.20145 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 20145. (1) Before contracting for and initiating a construction project involving new construction, additions, modernizations, or conversions of a health facility or agency for which a certificate of need under part 222 is required, a person shall obtain a construction permit from the department. The permit shall not be issued under this subsection unless the applicant holds a valid certificate of need issued pursuant to part 222.

(2) To protect the public health, safety, and welfare, the department may promulgate rules to require construction permits and the submission of plans for other construction projects to expand or change service areas and services provided.

(3) The review and approval of architectural plans and narrative shall require that the proposed construction project is designed and constructed in accord with applicable statutory and other regulatory requirements.

(4) The department shall promulgate rules to further prescribe the scope of construction projects and other alterations subject to review under this section.

(5) The department may waive the applicability of this section to a construction project or alteration if the waiver will not affect the public health, safety, and welfare.

(6) Upon request by the person initiating a construction project, the department may review and issue a construction permit to a construction project that is not subject to subsection (1) or (2) if the department determines that the review will promote the public health, safety, and welfare.

(7) The department shall assess a fee for each review conducted under this section. The fee shall be .5% of the first \$1,000,000.00 of capital expenditure and .85% of any amount over \$1,000,000.00 of capital expenditure, up to a maximum of \$30,000.00. As used in this subsection, "capital expenditure" means that term as defined in section 22203(2), except that it does not include the cost of equipment that is not fixed equipment.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved.....

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Governor.