

Act No. 427
Public Acts of 2016
Approved by the Governor
January 3, 2017
Filed with the Secretary of State
January 4, 2017
EFFECTIVE DATE: April 4, 2017

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Rep. Maturen

ENROLLED HOUSE BILL No. 5748

AN ACT to amend 1978 PA 368, entitled “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 provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; 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 the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; 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,” by amending sections 5861 and 5863 (MCL 333.5861 and 333.5863), section 5863 as amended by 2015 PA 91.

The People of the State of Michigan enact:

Sec. 5861. (1) The department may receive and hold title to real and personal property by gift, devise, bequest, and conveyance to be used for the purpose of carrying out this part. The property accepted must be held and used as a trust fund for the purposes for which received. The department promptly shall send the money, securities, or like personal property received to the department of treasury to be credited to the fund of this state designated by the donor or the department. The income from securities must be sent promptly to the department of treasury to be credited to the fund designated and must be likewise disbursed.

(2) The children with special needs fund that operates under this section shall maintain a minimum balance of \$18,000,000.00. If the balance of the children with special needs fund is less than \$18,000,000.00, no money shall be expended from that fund until the balance of the fund exceeds \$18,000,000.00.

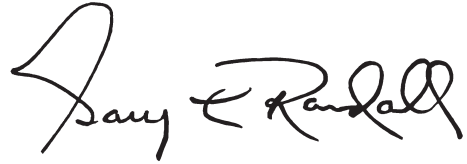
Sec. 5863. (1) The department of treasury shall do all of the following:

- (a) Receive money granted to this state by the federal government under this part.
- (b) Receive payments as provided in section 5841 and keep that money in the parent participation fund.
- (c) Disburse money from the funds on certification by the department.

(2) The state treasurer shall direct the investment of the children with special needs fund. The state treasurer has the same authority to invest assets of the children with special needs fund as is granted to an investment fiduciary that is investing assets under the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1141. The state treasurer shall comply with the divestment from terror act, 2008 PA 234, MCL 129.291 to 129.301, in making investments under this subsection.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor