

HOUSE BILL No. 4978

July 13, 1989, Introduced by Rep. Bennane and referred to the Committee on Public Health.

A bill to amend section 20145 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

as amended by Act No. 332 of the Public Acts of 1988, being section 333.20145 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 20145 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 332 of the Public Acts of 1988,
3 being section 333.20145 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 20145. (1) Before contracting for and initiating a
6 construction project involving new construction, additions, mod-
7 ernizations, or conversions of a health facility or agency for
8 which a certificate of need under part 222 is required, a person
9 shall obtain a construction permit from the department. The

1 permit shall not be issued under this subsection unless the
2 applicant holds a valid certificate of need issued pursuant to
3 part 222.

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

8 (3) The review and approval of architectural plans and nar-
9 rative shall require that the proposed construction project is
10 designed and constructed in accord with applicable statutory and
11 OTHER regulatory requirements.

12 (4) The department shall promulgate rules to further pre-
13 scribe the scope of construction projects and other alterations
14 subject to review under this section.

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

18 (6) UPON REQUEST, THE DEPARTMENT MAY REVIEW AND ISSUE A CON-
19 STRUCTION PERMIT TO A CONSTRUCTION PROJECT THAT IS NOT SUBJECT TO
20 SUBSECTION (1) OR (2) IF THE DEPARTMENT DETERMINES THAT THE
21 REVIEW WILL PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE.

22 (7) THE DEPARTMENT SHALL ASSESS A FEE OF .005% OF THE TOTAL
23 CAPITAL EXPENDITURE FOR EACH REVIEW CONDUCTED UNDER THIS
24 SECTION. IF THE CONSTRUCTION PROJECT BEING REVIEWED INVOLVES A
25 CAPITAL EXPENDITURE OF \$10,000,000.00 OR LESS, THE FEE SHALL BE
26 CALCULATED ONLY ON THE FIRST \$4,000,000.00. IF THE CONSTRUCTION
27 PROJECT BEING REVIEWED INVOLVES A CAPITAL EXPENDITURE OF MORE

1 THAN \$10,000,000.00, THE FEE SHALL BE CALCULATED ONLY ON THE
2 FIRST \$6,000,000.00. AS USED IN THIS SUBSECTION, "CAPITAL
3 EXPENDITURE" MEANS THAT TERM AS DEFINED IN SECTION 22203(2).