

SUBSTITUTE FOR
HOUSE BILL NO. 4936

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 5478 and 5479; and
to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5478. (1) IT IS THE INTENT OF THE LEGISLATURE THAT THE
2 CHILDHOOD LEAD POISONING PREVENTION AND CONTROL COMMISSION CREATED
3 IN THE DEPARTMENT UNDER FORMER SECTION 5474A SHALL BE CONTINUED
4 WITHOUT INTERRUPTION. TO THIS END, THE FOLLOWING 9 MEMBERS
5 APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE
6 AND SERVING ON THE CHILDHOOD LEAD POISONING PREVENTION AND CONTROL
7 COMMISSION ON JUNE 30, 2007 SHALL CONTINUE TO SERVE ON THE
8 COMMISSION:

1 (A) ONE MEMBER REPRESENTING THE DEPARTMENT OF COMMUNITY
2 HEALTH. THE MEMBER APPOINTED UNDER THIS SUBDIVISION SHALL SERVE AS
3 CHAIRPERSON.

4 (B) ONE MEMBER REPRESENTING THE DEPARTMENT OF HUMAN SERVICES.

5 (C) ONE MEMBER REPRESENTING THE DEPARTMENT OF ENVIRONMENTAL
6 QUALITY.

7 (D) ONE MEMBER REPRESENTING THE MICHIGAN STATE HOUSING
8 DEVELOPMENT AUTHORITY.

9 (E) ONE MEMBER REPRESENTING "GET THE LEAD OUT!". THE MEMBER
10 APPOINTED UNDER THIS SUBDIVISION SHALL BE FROM A COUNTY WITH A
11 POPULATION OF MORE THAN 500,000 BUT NOT MORE THAN 700,000.

12 (F) ONE MEMBER REPRESENTING A LOCAL HEALTH DEPARTMENT LOCATED
13 IN A COUNTY WITH A POPULATION OF MORE THAN 170,000 BUT NOT MORE
14 THAN 200,000.

15 (G) ONE MEMBER REPRESENTING CERTIFIED LEAD-ABATEMENT
16 CONTRACTORS.

17 (H) TWO MEMBERS REPRESENTING THE GENERAL PUBLIC. ONE OF THE
18 MEMBERS APPOINTED UNDER THIS SUBDIVISION SHALL BE FROM A CITY WITH
19 A POPULATION OF 750,000 OR MORE AND BE A PARENT OF A CHILD WHO HAS
20 EXPERIENCED LEAD POISONING OR A CHILD ADVOCATE WHO HAS EXPERIENCE
21 WITH LEAD POISONING IN CHILDREN. THE SECOND MEMBER APPOINTED UNDER
22 THIS SUBDIVISION SHALL REPRESENT PROPERTY OWNERS AND DEVELOPERS IN
23 THIS STATE.

24 (2) EFFECTIVE 30 DAYS AFTER THE EFFECTIVE DATE OF THIS
25 SECTION, THE CHILDHOOD LEAD POISONING PREVENTION AND CONTROL
26 COMMISSION CONTINUED UNDER SUBSECTION (1) SHALL CONSIST OF 16
27 VOTING MEMBERS. IN ADDITION TO THE 9 MEMBERS UNDER SUBSECTION (1),

1 THE FOLLOWING ADDITIONAL 7 MEMBERS SHALL BE APPOINTED BY THE
2 GOVERNOR WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION,
3 WITH THE ADVICE AND CONSENT OF THE SENATE:

4 (A) ONE MEMBER REPRESENTING THE MICHIGAN MUNICIPAL LEAGUE.

5 (B) ONE MEMBER REPRESENTING THE DEPARTMENT OF LABOR AND
6 ECONOMIC GROWTH.

7 (C) ONE MEMBER REPRESENTING THE MICHIGAN CHAPTER OF THE
8 AMERICAN ACADEMY OF PEDIATRICS.

9 (D) ONE MEMBER REPRESENTING THE PROSECUTING ATTORNEYS
10 COORDINATING COUNCIL.

11 (E) ONE MEMBER REPRESENTING THE DEPARTMENT OF EDUCATION.

12 (F) ONE MEMBER REPRESENTING THE MICHIGAN ASSOCIATION OF HOME
13 BUILDERS REMODELORS COUNCIL.

14 (G) ONE MEMBER REPRESENTING THE EARLY CHILDHOOD INVESTMENT
15 CORPORATION.

16 (3) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE TERM
17 OF OFFICE OF INDIVIDUAL MEMBERS OF THE COMMISSION, EXCEPT THOSE
18 APPOINTED TO FILL VACANCIES, EXPIRES 3 YEARS AFTER APPOINTMENT ON
19 DECEMBER 31 OF THE YEAR IN WHICH THE TERM WILL EXPIRE. MEMBERS ARE
20 ELIGIBLE FOR REAPPOINTMENT TO THE COMMISSION.

21 (4) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT COMPENSATION
22 BUT, SUBJECT TO APPROPRIATIONS, MAY RECEIVE REIMBURSEMENT FOR THEIR
23 ACTUAL AND NECESSARY EXPENSES WHILE ATTENDING MEETINGS OR
24 PERFORMING OTHER AUTHORIZED OFFICIAL BUSINESS OF THE COMMISSION. IF
25 A VACANCY OCCURS ON THE COMMISSION, THAT VACANCY SHALL BE FILLED IN
26 THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

27 (5) THE COMMISSION MAY HOLD PUBLIC HEARINGS AS IT DETERMINES

1 NECESSARY OR APPROPRIATE TO CARRY OUT ITS DUTIES UNDER THIS PART.
2 THE COMMISSION SHALL CONDUCT ITS BUSINESS AT A PUBLIC MEETING HELD
3 IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261
4 TO 15.275. THE COMMISSION SHALL GIVE PUBLIC NOTICE OF THE TIME,
5 DATE, AND PLACE OF THE MEETING IN THE MANNER REQUIRED BY THE OPEN
6 MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

7 (6) THE COMMISSION SHALL MAKE AVAILABLE A WRITING PREPARED,
8 OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE CHILDHOOD
9 LEAD POISONING PREVENTION AND CONTROL COMMISSION TO THE PUBLIC IN
10 COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
11 15.231 TO 15.246.

12 (7) AS USED IN THIS SECTION AND SECTION 5479, "COMMISSION"
13 MEANS THE COMMISSION CREATED AND APPOINTED BY THE GOVERNOR UNDER
14 FORMER SECTION 5474A AND THIS SECTION.

15 (8) THIS SECTION IS REPEALED EFFECTIVE JULY 1, 2010.

16 SEC. 5479. (1) THE COMMISSION SHALL STUDY THE ENVIRONMENTAL
17 THREATS OF LEAD POISONING TO CHILDREN'S HEALTH, REVIEW THIS STATE'S
18 LEAD POISONING PREVENTION PROGRAM, EVALUATE THE EFFECTIVENESS OF
19 THAT PROGRAM, INCLUDING, BUT NOT LIMITED TO, THE ABILITY OF THE
20 PROGRAM TO SATISFY FEDERAL LAW REQUIREMENTS THAT 100% OF ALL YOUNG
21 CHILDREN ENROLLED IN MEDICAID SHALL BE SCREENED WITH A BLOOD LEAD
22 TEST, AND MAKE RECOMMENDATIONS FOR IMPROVEMENTS TO THAT PROGRAM.

23 (2) THE COMMISSION SHALL CONSIDER ALL INFORMATION RECEIVED
24 FROM ITS PUBLIC HEARINGS, REVIEW INFORMATION FROM OTHER SOURCES,
25 AND STUDY THE EXPERIENCES OF OTHER STATES. THE COMMISSION SHALL
26 DEVELOP SHORT- AND LONG-RANGE STRATEGIC RECOMMENDATIONS FOR
27 CHILDHOOD LEAD POISONING PREVENTION AND CONTROL IN THIS STATE. THE

1 RECOMMENDATIONS SHALL INCLUDE, BUT ARE NOT LIMITED TO, STRATEGIES
2 TO:

3 (A) ENHANCE PUBLIC AND PROFESSIONAL AWARENESS OF LEAD
4 POISONING AS A CHILD HEALTH EMERGENCY.

5 (B) SIGNIFICANTLY INCREASE BLOOD LEAD TESTING RATES FOR YOUNG
6 CHILDREN.

7 (C) ELIMINATE OR MANAGE THE SOURCES OF LEAD POISONING,
8 ESPECIALLY FOCUSING ON LEAD-BASED PAINT IN AGED HOUSING.

9 (D) ASSURE STATE INTERAGENCY AS WELL AS PUBLIC AND PRIVATE
10 COOPERATION AND COMMUNICATION REGARDING RESOLUTION OF THIS COMPLEX
11 ENVIRONMENTAL AND PUBLIC HEALTH PROBLEM.

12 (3) THE CHILDHOOD LEAD POISONING PREVENTION AND CONTROL
13 COMMISSION SHALL SUBMIT A WRITTEN REPORT OF ITS FINDINGS, INCLUDING
14 THE RECOMMENDATIONS UNDER SUBSECTION (2), TO THE GOVERNOR AND THE
15 LEGISLATURE BY MARCH 31, 2008 AND ANNUALLY THEREAFTER BY MARCH 31
16 OF EACH YEAR. A REPRESENTATIVE OF THE DEPARTMENT OF COMMUNITY
17 HEALTH SHALL PROVIDE TESTIMONY SUMMARIZING THE FINDINGS AND
18 RECOMMENDATIONS OF THE COMMISSION TO THE STANDING COMMITTEES OF THE
19 SENATE AND HOUSE OF REPRESENTATIVES WITH JURISDICTION OVER ISSUES
20 PERTAINING TO PUBLIC HEALTH AND CHILDREN.

21 (4) THIS SECTION IS REPEALED EFFECTIVE JULY 1, 2010.