



**House
Legislative
Analysis
Section**

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FIRE SAFETY IN PUB. SCHOOL BUILDINGS

RECEIVED

House Bill 5298 as enrolled
First Analysis (1-16-90)

JAN 05 1990

Sponsor: Rep. Donald Van Singel Mich. State Law Library
House Committee: Education
Senate Committee: Education & Mental Health

THE APPARENT PROBLEM:

The Fire Prevention Code requires the State Fire Safety Board to adopt fire safety rules for various state buildings, including public schools. Last summer the board adopted new fire safety rules for schools, entitled "Schools, Colleges, and Universities," which became effective August 1, 1989. Among other things, the rules require that when a newly-constructed school building is unable to hook up to a municipal water supply system the school district must install, and pay for, its own water supply and sprinkler system to meet the new guidelines. Apparently, most schools were not even notified of the new rules; even so, many were not immediately affected by them since they did not have plans for new construction. Those districts, however, which planned new construction—and also approved millages for the plans—were disturbed to find they would need to spend considerably more money in order to meet the new fire safety rules. For this reason some have proposed amending the act to permit schools that held elections to approve a millage for new construction before a certain date to be exempt from the new fire safety rules.

THE CONTENT OF THE BILL:

The bill would amend the Fire Prevention Code to specify that if a local school board had passed a resolution calling for an election on whether to issue bonds for the construction or remodeling of, or the building of an addition to, a school—where the election had been held not later than September 28, 1989 (resulting in bond issuance approval) and construction was "reasonably anticipated" to have begun not later than June 30, 1990—then the construction work would be exempt from fire safety rules recently promulgated by the State Fire Safety Board, entitled "Schools, Colleges, and Universities." (These rules were filed with the secretary of state on July 14, 1989 and became effective on July 29, 1989.) Construction work on a school building in this case, however, would still be subject to the former rules promulgated by the board entitled "School Fire Safety." Further, the bill would not prevent construction work on a school building from having to comply with the "School Fire Safety" standards.

MCL 29.3c

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would not affect state expenditures. (1-16-90)

ARGUMENTS:

For:

The bill would exempt a school district that voted for a millage increase for new construction or remodeling of school buildings by a certain date (where the construction

work also would begin by a certain date) from the new fire safety rules adopted last August. One of the new rules specifies that a school district must have its own water supply and ceiling sprinkler system, for purposes of fire safety, if it does not have access to a municipal water supply; schools, of course, would have to pay for this themselves. Apparently, the state failed to notify most schools of the new rules before they held millage elections in the late summer or fall. School officials apparently feel the added cost to meet the new code requirements now would be too great; also, awareness of the new rules and their effect on overall construction costs before initial millage elections may have affected election outcomes. The bill would exempt these schools for these reasons, but would still require that their construction plans at least meet former fire safety standards.

Against:

An attorney general's opinion was requested, and issued (OAG 89158), on whether the state fire marshal or Fire Safety Board are authorized to vary the effective date of the new fire safety rules for school districts that had bond issues certified prior to the effective date of the rules. The AG's opinion stated that neither have such authority, but further stated that the fire marshal could vary the application of the new rules "only upon finding that the variation does not result in a hazard to life or property." This bill would effectively allow such a variance to take place without going through the fire marshal. While allowing the few districts involved an exemption from the new rules requiring ceiling sprinklers probably would not make them more vulnerable to fire hazards, it could present a legal problem for the state if one of these schools did have a dangerous fire that took life or damaged property. The bill could some day result in a legal nightmare for the state, not to mention the risk it presents to the lives and property of some of the state's citizens.

H.B. 5298 (1-16-90)