

HOUSE BILL No. 5119

September 12, 1991, Introduced by Reps. Porreca and Jonker and referred to the Committee on Education.

A bill to amend sections 2, 8, and 28 of Act No. 230 of the Public Acts of 1972, entitled as amended "State construction code act of 1972," sections 2 and 28 as amended by Act No. 371 of the Public Acts of 1980 and section 8 as amended by Act No. 135 of the Public Acts of 1989, being sections 125.1502, 125.1508, and 125.1528 of the Michigan Compiled Laws; to add section 8a; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 8, and 28 of Act No. 230 of the
2 Public Acts of 1972, sections 2 and 28 as amended by Act No. 371
3 of the Public Acts of 1980 and section 8 as amended by Act
4 No. 135 of the Public Acts of 1989, being sections 125.1502,
5 125.1508, and 125.1528 of the Michigan Compiled Laws, are amended
6 and section 8a is added to read as follows:

1 Sec. 2. (1) As used in this act:

2 (a) "Agricultural or agricultural purposes" means of, or
3 pertaining to, or connected with, or engaged in agriculture or
4 tillage ~~which~~ THAT is characterized by the act or business of
5 cultivating or using land and soil for the production of crops
6 for the use of animals or humans, and includes, but is not
7 limited to, purposes related to agriculture, farming, dairying,
8 pasturage, horticulture, floriculture, viticulture, and animal
9 and poultry husbandry.

10 (b) "Application for a building permit" means an application
11 for a building permit submitted to an enforcing agency pursuant
12 to this act and plans, specifications, surveys, statements, and
13 other material submitted to the enforcing agency together or in
14 connection with the application.

15 (c) "Barrier free design" means design complying with legal
16 requirements for architectural designs ~~which~~ THAT eliminate the
17 type of barriers and hindrances that deter handicappers from
18 having access to and free mobility in and around a building or
19 structure.

20 (d) "Board of appeals" means the construction board of
21 appeals of a governmental subdivision provided for in section
22 14.

23 (e) "Boards" means the state plumbing and electrical admin-
24 istrative boards and the barrier free design board provided for
25 in Act No. 1 of the Public Acts of 1966, as amended, being sec-
26 tions 125.1351 to 125.1356 of the Michigan Compiled Laws.

1 (f) "Building" means a combination of materials, whether
2 portable or fixed, forming a structure affording a facility or
3 shelter for use or occupancy by persons, animals, or property.
4 The term does not include a building incidental to the use for
5 agricultural purposes of the land on which the building is
6 located if it is not used in the business of retail trade. The
7 term shall be construed as though followed by the words "or part
8 or parts of the building and all equipment in the building"
9 unless the context clearly requires a different meaning.

10 (g) "Building envelope" means the elements of a building
11 ~~which~~ THAT enclose conditioned spaces through which thermal
12 energy may be transferred to or from the exterior.

13 (h) "Business day" means a day of the year, exclusive of a
14 Saturday, Sunday, or legal holiday.

15 (i) "Chief elected official" means the chairperson of the
16 county board of commissioners, the city mayor, the village presi-
17 dent, or the township supervisor.

18 (j) "Code" means the state construction code provided for in
19 section 4 or a part thereof of limited application, and includes
20 a modification of or amendment to the code.

21 (k) "Commission" means the state construction code commis-
22 sion created by section 3.

23 (l) "Construction" means the construction, erection, recon-
24 struction, alteration, conversion, demolition, repair, moving, or
25 equipping of buildings or structures.

26 (m) "Construction regulation" means a law, act, rule,
27 resolution, regulation, ordinance, or code, general or special,

1 or compilation thereof, ~~heretofore or hereafter~~ BEFORE OR AFTER
2 enacted or adopted ~~—~~ by this state or a county, city, village,
3 or township including a department, board, bureau, commission, or
4 other agency thereof, relating to the design, construction, or
5 use of buildings and structures and the installation of equipment
6 in the building or structure. Construction regulation does not
7 include a zoning ordinance or rule issued pursuant to a zoning
8 ordinance and related to zoning.

9 (n) "Department" means the department of labor.

10 (o) "Director" means the director of labor or an authorized
11 representative of the director.

12 (p) "Energy conservation" means the efficient use of energy
13 by providing building envelopes with high thermal resistance and
14 low air leakage, and the selection of energy efficient mechani-
15 cal, electrical service, and illumination systems, equipment,
16 devices, or apparatus.

17 (q) "Enforcing agency" means the enforcing agency, in
18 accordance with section 8 or 9, ~~which~~ THAT is responsible for
19 administration and enforcement of a nationally recognized model
20 code or this act and the code within a governmental subdivision.
21 ~~—except~~ EXCEPT for the purposes of section 19, enforcing
22 agency means the agency in a governmental unit principally
23 responsible for the administration and enforcement of applicable
24 construction regulations.

25 (r) "Equipment" means plumbing, heating, electrical, venti-
26 lating, air conditioning, and refrigerating equipment.

1 (s) "Executive director" means the director of the bureau of
2 construction codes as set forth under section 7.

3 (t) "Governmental subdivision" means a county, city, vil-
4 lage, or township ~~which~~ THAT in accordance with section 8 or 9
5 has assumed responsibility for the administration and enforcement
6 of a nationally recognized model code or this act and the code
7 within its jurisdiction.

8 (u) "Handicapper" means a person whose physical characteris-
9 tics have a particular relationship to that person's ability to
10 be self-reliant in the person's movement throughout and use of
11 the building environment.

12 (v) "Mobile home" means a vehicular, portable structure
13 built on a chassis and designed to be used without a permanent
14 foundation as a dwelling when connected to required utilities and
15 ~~which~~ THAT is, or is intended to be, attached to the ground, to
16 another structure, or to a utility system on the same premises
17 for more than 30 consecutive days.

18 (w) "Other laws and ordinances" means other laws and ordi-
19 nances, whether enacted by this state or by a county, city, vil-
20 lage, or township and the rules issued thereunder.

21 (x) "Owner" means the owner of the freehold of the premises
22 or lesser estate in the premises, a mortgagee or vendee in pos-
23 session, an assignee of rents, receiver, executor, trustee,
24 lessee, or any other person, sole proprietorship, partnership,
25 association, or corporation directly or indirectly in control of
26 a building, structure, or real property or his or her duly
27 authorized agent.

1 (y) "Premanufactured unit" means an assembly of materials or
2 products intended to comprise all or part of a building or struc-
3 ture, and ~~which~~ THAT is assembled at other than the final loca-
4 tion of the unit of the building or structures by a repetitive
5 process under circumstances intended to insure uniformity of
6 quality and material content. Premanufactured unit includes a
7 mobile home.

8 (z) "SCHOOL BUILDING" MEANS A STRUCTURE IN WHICH 6 OR MORE
9 PUPILS RECEIVE INSTRUCTION. SCHOOL BUILDING INCLUDES A STRUCTURE
10 OWNED, LEASED, OR UNDER THE CONTROL OF A PUBLIC OR PRIVATE K TO
11 12 SCHOOL SYSTEM OR A COMMUNITY COLLEGE OR JUNIOR COLLEGE ESTAB-
12 LISHED UNDER SECTION 7 OF ARTICLE VIII OF THE STATE CONSTITUTION
13 OF 1963 OR PART 25 OF THE SCHOOL CODE OF 1976, ACT NO. 451 OF THE
14 PUBLIC ACTS OF 1976, BEING SECTIONS 380.1601 TO 380.1607 OF THE
15 MICHIGAN COMPILED LAWS. SCHOOL BUILDING DOES NOT INCLUDE A
16 STRUCTURE OWNED, LEASED, OR UNDER THE CONTROL OF A COLLEGE OR
17 UNIVERSITY DESCRIBED IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE
18 STATE CONSTITUTION OF 1963.

19 (AA) ~~(z)~~ "Structure" means that which is built or con-
20 structed, an edifice or building of any kind, or a piece of work
21 artificially built up or composed of parts joined together in
22 some definite manner. Structure does not include a structure
23 incident to the use for agricultural purposes of the land on
24 which the structure is located and does not include works of
25 heavy civil construction, including, ~~without limitation~~ BUT NOT
26 LIMITED TO, a highway, bridge, dam, reservoir, lock, mine,
27 harbor, dockside port facility, an airport landing facility and

1 facilities for the generation, ~~or~~ transmission, or distribution
2 of electricity. Structure shall be construed as though followed
3 by the words "or part or parts of the structure and all equipment
4 in the structure" unless the context clearly indicates
5 otherwise.

6 (2) Unless the context clearly indicates otherwise,
7 ~~references~~ A REFERENCE to this act, or to this act and the
8 code, ~~shall refer to~~ MEANS this act and rules promulgated pur-
9 suant to this act, including the code.

10 Sec. 8. (1) This act and the code ~~are applicable~~ APPLY
11 throughout the state, except that a governmental subdivision may
12 elect to exempt itself from certain parts of this act and the
13 code by adopting and enforcing a nationally recognized model
14 building code or other nationally recognized model codes. It
15 ~~shall~~ IS not ~~be~~ necessary for a governmental subdivision to
16 elect to exempt itself from every part of the code promulgated by
17 the commission in order to preserve its exemption election as to
18 1 or more nationally recognized model codes. A governmental sub-
19 division may make this election by the passage of an ordinance
20 adopting by reference or otherwise without amendment a nationally
21 recognized model building code or other nationally recognized
22 model codes. A county ordinance adopted pursuant to this act
23 shall be adopted by the county board of commissioners and shall
24 be signed by the chairperson of the county board of commissioners
25 and certified by the county clerk. A governmental subdivision
26 ~~which~~ THAT elects not to be governed by certain parts of this
27 act and the code shall review and update its codes by amending

1 its ordinance at least once every 3 years by adopting without
2 amendment all changes to those codes and submitting a certified
3 copy of the amended ordinance to the commission. However, a gov-
4 ernmental subdivision adopting nationally recognized model codes
5 may approve amendments to those codes by ordinance. The amend-
6 ments shall ~~become effective~~ TAKE EFFECT 90 days after passage
7 of the ordinance and 90 days after a certified copy of the ordi-
8 nance is delivered to the commission, unless the commission
9 determines after a public hearing that the codes, as amended, do
10 not adequately protect the health, safety, or welfare of the
11 people of the governmental subdivision; ~~or~~ that the amend-
12 ments ~~tend to~~ unnecessarily increase construction costs or
13 restrict the use of new materials, products, or methods of
14 construction; ~~or~~ THAT THE AMENDMENTS provide preferential
15 treatment to types or classes of materials, products, or methods
16 of construction; ~~or~~ or that the ~~amendment obstructs~~ AMENDMENTS
17 OBSTRUCT the substantive uniformity of building codes within a
18 region or locality in the state.

19 (2) Within 10 days after the effective date of this subsec-
20 tion, the executive director shall provide a notice of intent
21 form to all governmental subdivisions administering and enforcing
22 a nationally recognized model code. This form shall set forth
23 the date return receipt is required, which date shall not be less
24 than 60 days after receipt. The chief elected official of the
25 governmental subdivision that receives this notice shall indicate
26 on the form the intention of the governmental subdivision as to
27 whether it shall continue to administer and enforce its code and

1 transmit this notice to the executive director within the
2 prescribed period. If a governmental subdivision fails to submit
3 a notice of intent to continue to administer and enforce its code
4 within the date set forth in the notice, the executive director
5 shall send a notice by registered mail to the clerk of that gov-
6 ernmental subdivision. The registered notice shall indicate that
7 the governmental subdivision ~~shall have~~ HAS 15 additional days
8 in which to submit a notice of intent to continue to administer
9 and enforce its code. If the governmental subdivision does not
10 respond by the end of the 15 additional days, it shall be conclu-
11 sively presumed that the governmental subdivision does not intend
12 to continue to administer and enforce its code and the executive
13 director shall assume the responsibility for administering and
14 enforcing this act and the code in that governmental subdivision,
15 unless the county within which that governmental subdivision is
16 located has submitted a notice-of intent to continue to adminis-
17 ter and enforce this act and the code. Governmental subdivisions
18 may provide by agreement for joint enforcement of another nation-
19 ally recognized model code adopted pursuant to subsection (1).

20 (3) A county ~~which~~ THAT was administering and enforcing
21 this act and the code pursuant to section 9(1) on December 30,
22 1980, and has submitted a notice of intent to continue to admin-
23 ister and enforce the code to the executive director pursuant to
24 section 9, after December 30, 1980, may exempt itself pursuant to
25 subsection (1) by the passage of an ordinance adopting by refer-
26 ence or otherwise without amendment a nationally recognized model
27 building code or other nationally recognized model codes.

1 However, that action shall not take effect until 90 days after
2 passage of an ordinance to that effect. Before the effective
3 date of this action and the effective date of the ordinance, the
4 county ~~which~~ THAT proposes to adopt an ordinance to this effect
5 shall file the proposed ordinance for approval pursuant to sub-
6 section (1) with the commission. The commission shall review the
7 proposed ordinance. If the commission does not approve or disap-
8 prove the proposed ordinance within 90 days after it is filed
9 with the commission, the proposed ordinance shall be considered
10 approved unless the county grants the commission additional time
11 to consider the proposed ordinance. The executive director shall
12 notify a county ~~which~~ THAT elects to exempt itself pursuant to
13 subsection (1) of all governmental subdivisions within their
14 jurisdiction that have not submitted a notice of intent to con-
15 tinue to administer and enforce its code. It ~~shall be~~ IS the
16 responsibility of that county to administer and enforce that code
17 for all of the governmental subdivisions within the county
18 ~~which~~ THAT have not submitted a notice of intent to continue to
19 administer and enforce its code within its jurisdiction. A
20 structure commenced under an effective code shall be completed
21 under that code. A county ~~which~~ THAT elects to exempt itself
22 in accordance with this subsection may exercise the option to
23 administer and enforce this act and the code pursuant to section
24 9(1). However, the exercise of this election to administer and
25 enforce this act and the code shall not take effect until 6
26 months after passage of an ordinance to that effect.

1 (4) A governmental subdivision ~~which~~ THAT has elected to
2 assume responsibility for the administration and enforcement of
3 this act and the code, and has submitted a notice of intent to
4 continue to administer and enforce the code to the executive
5 director pursuant to section 9, after December 30, 1980, may
6 reverse that election and exempt itself pursuant to subsection
7 (1) by the passage of an ordinance adopting by reference or oth-
8 erwise without amendment a nationally recognized model building
9 code or other nationally recognized model codes. However, that
10 action shall not take effect until 90 days after passage of an
11 ordinance to that effect. Before the effective date of this
12 action and the effective date of the ordinance, the governmental
13 subdivision ~~which~~ THAT proposes to adopt an ordinance to this
14 effect shall file the proposed ordinance for approval pursuant to
15 subsection (1) with the commission. The commission shall review
16 the proposed ordinance. If the commission does not approve or
17 disapprove the proposed ordinance within 90 days after it is
18 filed with the commission, the proposed ordinance shall be con-
19 sidered approved unless the governmental subdivision grants the
20 commission additional time to consider the proposed ordinance. A
21 structure commenced under an effective code shall be completed
22 under that code. A governmental subdivision ~~which~~ THAT elects
23 to exempt itself in accordance with this subsection may exercise
24 the option to make itself subject to this act and the code pursu-
25 ant to section 9(1). However, the exercise of this election to
26 be subject to this act and the code shall not take effect until 6
27 months after passage of an ordinance to that effect.

1 (5) A governmental subdivision ~~which~~ THAT has elected to
2 exempt itself pursuant to subsection (1) may reverse that elec-
3 tion, making itself subject to the act and the code. However,
4 that action shall not take effect until 60 days after passage of
5 an ordinance to that effect. A structure commenced under an
6 effective code shall be completed under that code. A governmen-
7 tal subdivision ~~which~~ THAT elects to make itself subject to the
8 code in accordance with this subsection may exercise the option
9 to exempt itself pursuant to subsection (1) not later than 3
10 years ~~subsequent to~~ AFTER its administration and enforcement of
11 the code. However, that exemption shall not take effect until 1
12 year after passage of an ordinance to that effect.

13 (6) A governmental subdivision ~~which~~ THAT, before
14 December 30, 1980, has not administered and enforced either this
15 act and the code or another nationally recognized model code may
16 elect to exempt itself from certain parts of this act and the
17 code pursuant to subsection (1) ~~by~~ by the passage of an ordi-
18 nance to that effect. A governmental subdivision ~~which~~ THAT
19 makes this election after December 30, 1980 shall submit, in
20 addition to the ordinance, an application to the commission for
21 approval to administer and enforce that code within its
22 jurisdiction. This application shall be made on the proper form
23 ~~to be~~ provided by the commission. The standards for approval
24 shall include, but not be limited to, the certification by the
25 governmental subdivision that the enforcing agency is qualified
26 by experience or training to administer and enforce that
27 nationally recognized model code and all related acts and rules,

1 that agency personnel are provided as necessary, administrative
2 services are provided, plan review services are provided, and
3 timely field inspection services shall be provided. The execu-
4 tive director shall seek additional information if the executive
5 director considers it necessary. The commission shall render a
6 decision on the application for approval to administer and
7 enforce that code which has been adopted and transmit its find-
8 ings to that governmental subdivision within 90 days of receipt
9 of the application. The commission shall document its reasons if
10 the commission disapproves an application. A governmental subdi-
11 vision ~~which~~ THAT receives a disapproval may resubmit its
12 application for approval. Upon receipt of approval from the com-
13 mission for the administration and enforcement of that adopted
14 code, the governmental subdivision shall administer and enforce
15 that code within its jurisdiction pursuant to the provisions of
16 its approved application.

17 (7) The state construction code ~~or any of its sections~~
18 shall ~~go into~~ TAKE effect 6 months after the code's initial
19 promulgation. The 6-month delay does not apply to rules promul-
20 gated to implement sections 13a, 13b, 19, and 21 and the require-
21 ments of barrier free design and energy conservation of this act
22 and code. A governmental subdivision may not exempt itself from
23 the requirements of this section, SECTION 8A, section 9(8) and
24 (10), and sections 9a, 10, 13a, 13b, 14, 15, 20, 22(1), 23, and
25 23a. The 6-month delay does not apply to amendments to the code
26 or any of the code's sections after the initial promulgation. A
27 governmental subdivision ~~which~~ THAT elects to exempt itself

1 from this act and the code may do so within 6 months after the
2 promulgation of the code in the manner provided in subsection
3 (1), except that any amendments the governmental subdivision
4 adopts at that time are subject to review by the commission as
5 set forth in subsection (1) within 120 days after a copy of the
6 adopted amendments is delivered to the commission by certified
7 mail with return receipt requested.

8 (8) A governmental subdivision ~~which~~ THAT elects to exempt
9 itself from certain parts of this act and the code pursuant to
10 subsection (1) and is enforcing its code within its jurisdiction
11 pursuant to subsection (1) may rescind that ordinance by which it
12 elected to exempt itself from certain parts of this act and the
13 code, and transfer the responsibility for the administration and
14 enforcement of this act and the code within the governmental sub-
15 division to the executive director. The executive director shall
16 assume the responsibility for administering and enforcing this
17 act and the code in that governmental subdivision ~~—~~ unless the
18 county within which that governmental subdivision is located has
19 submitted a notice of intent to continue to administer and
20 enforce the code. However, that action shall not take effect
21 until 12 months after the passage of an ordinance to that
22 effect. A structure commenced under an effective code shall be
23 completed under that code.

24 ~~(9) Locally adopted codes shall not apply to public or non-~~
25 ~~public schools within the governmental subdivision without con-~~
26 ~~currence by the school authorities having jurisdiction.~~

1 (9) ~~(+10)~~ Sections 8A, 10, 13a, 13b, 19, 21, and 23a, other
2 provisions of this act and code directly relating to the
3 provisions of sections 8A, 10, 13a, 13b, 19, 21, and 23a, and
4 provisions of the code relating to the requirements of barrier
5 free design and energy conservation ~~shall be~~ ARE effective
6 throughout the state without local modifications notwithstanding
7 the exception of subsections (1) to (9). The standards for pre-
8 manufactured housing shall not be less than the standards
9 required for nonpremanufactured housing, except that mobile homes
10 shall be considered to have complied with this requirement by
11 compliance with the state code provisions adopting a nationally
12 recognized mobile home code.

13 (10) ~~(+11)~~ The commission may limit the application of a
14 part of the code to include or exclude the following:

15 (a) Specified classes or types of buildings or structures,
16 according to use, or other distinctions as may make differentia-
17 tion or separate classification or regulation necessary, proper,
18 or desirable. The commission shall consider the specific prob-
19 lems of the construction or alteration of a single family,
20 owner-occupied recreational dwelling ~~, which~~ THAT is located in
21 a sparsely populated area and ~~which~~ THAT is to be occupied on a
22 part-time basis.

23 (b) Specified areas of the state based on size, population
24 density, special conditions prevailing in the area, or other fac-
25 tors as may make differentiation or separate classification or
26 regulation necessary, proper, or desirable.

1 SEC. 8A. (1) EXCEPT AS PROVIDED IN SUBSECTION (3), THE
2 EXECUTIVE DIRECTOR IS RESPONSIBLE FOR THE ADMINISTRATION AND
3 ENFORCEMENT OF THIS ACT AND THE CODE IN EACH SCHOOL BUILDING IN
4 THIS STATE.

5 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), THE BUREAU OF CON-
6 STRUCTION CODES SHALL PERFORM FOR SCHOOL BUILDINGS ALL PLAN
7 REVIEWS AND INSPECTIONS REQUIRED BY THE CODE. EXCEPT AS PROVIDED
8 IN SUBSECTION (3), A SCHOOL BUILDING SHALL NOT BE CONSTRUCTED,
9 REMODELED, OR RECONSTRUCTED IN THIS STATE AFTER THE EFFECTIVE
10 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION UNTIL WRITTEN
11 APPROVAL OF THE PLANS AND SPECIFICATIONS IS OBTAINED FROM THE
12 BUREAU OF CONSTRUCTION CODES INDICATING THAT THE SCHOOL BUILDING
13 WILL BE DESIGNED AND CONSTRUCTED IN CONFORMANCE WITH THE CODE.
14 THIS SUBSECTION DOES NOT APPLY TO ANY SCHOOL BUILDING FOR WHICH
15 CONSTRUCTION HAS COMMENCED BEFORE THE EFFECTIVE DATE OF THE AMEN-
16 DATORY ACT THAT ADDED THIS SECTION.

17 (3) AT THE REQUEST OF A SCHOOL BOARD OF A PUBLIC SCHOOL, A
18 GOVERNING BODY OF A NONPUBLIC SCHOOL, A BOARD OF A COMMUNITY OR
19 JUNIOR COLLEGE, OR AN AUTHORIZED AGENT OF THE BOARD OR GOVERNING
20 BODY, THE EXECUTIVE DIRECTOR MAY DELEGATE THE RESPONSIBILITY FOR
21 THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT TO A GOVERNMENTAL
22 SUBDIVISION THAT HAS ELECTED TO ADMINISTER AND ENFORCE THIS ACT
23 AND THE CODE OR ANOTHER NATIONALLY RECOGNIZED MODEL CODE. THE
24 EXECUTIVE DIRECTOR SHALL DELEGATE THE RESPONSIBILITY FOR THE
25 ADMINISTRATION AND ENFORCEMENT OF THIS ACT TO THE APPLICABLE
26 ENFORCING AGENCY IF THE SCHOOL BUILDING IS LOCATED IN A
27 GOVERNMENTAL SUBDIVISION IN WHICH BOTH THE SCHOOL BOARD OR

1 GOVERNING BODY OF THE SCHOOL AND THE GOVERNING BODY OF THE
2 GOVERNMENTAL SUBDIVISION HAVE CERTIFIED TO THE CONSTRUCTION CODE
3 COMMISSION, IN A MANNER PRESCRIBED BY THE COMMISSION, THAT
4 FULL-TIME CODE OFFICIALS, INSPECTORS, AND PLAN REVIEWERS REGIS-
5 TERED UNDER THE BUILDING OFFICIALS AND INSPECTORS REGISTRATION
6 ACT, ACT NO. 54 OF THE PUBLIC ACTS OF 1986, BEING SECTIONS
7 338.2301 TO 338.2313 OF THE MICHIGAN COMPILED LAWS, WILL CONDUCT
8 PLAN REVIEWS AND INSPECTIONS OF SCHOOL BUILDINGS. UPON RECOMMEN-
9 DATION OF THE EXECUTIVE DIRECTOR, THE DELEGATION OF AUTHORITY
10 DESCRIBED IN THIS SUBSECTION MAY BE RESCINDED BY THE AFFECTED
11 SCHOOL BOARD, THE AFFECTED GOVERNING BODY OF A NONPUBLIC SCHOOL,
12 THE AFFECTED BOARD OF A COMMUNITY OR JUNIOR COLLEGE, THE ENFORC-
13 ING AGENCY, OR THE CONSTRUCTION CODE COMMISSION.

14 (4) THIS SECTION DOES NOT AFFECT THE RESPONSIBILITIES OF THE
15 STATE FIRE MARSHAL PURSUANT TO THE FIRE PREVENTION CODE, ACT
16 NO. 207 OF THE PUBLIC ACTS OF 1941, BEING SECTIONS 29.1 TO 29.33
17 OF THE MICHIGAN COMPILED LAWS.

18 Sec. 28. (1) Any provision of section 34 of Act No. 18 of
19 the Public Acts of the Extra Session of 1933, being section
20 125.684 of the Michigan Compiled Laws; Act No. 266 of the Public
21 Acts of 1929, as amended, being sections 338.901 to 338.917 of
22 the Michigan Compiled Laws; Act No. 222 of the Public Acts of
23 1901, as amended, being sections 338.951 to 338.965 of the
24 Michigan Compiled Laws; THE ELECTRICAL ADMINISTRATIVE ACT, Act
25 No. 217 of the Public Acts of 1956, as amended, being sections
26 338.881 to 338.892 of the Michigan Compiled Laws; and any other
27 public act of this state ~~which~~ THAT is inconsistent or ~~in~~

1 ~~conflict~~ CONFLICTS with this act is superseded to the extent of
2 the inconsistency or conflict.

3 (2) This act shall not be construed to repeal, amend, super-
4 sede, or otherwise affect the powers and duties presently exer-
5 cised under THE AIR POLLUTION ACT, Act No. 348 of the Public Acts
6 of 1965, as amended, being sections 336.11 to 336.36 of the
7 Michigan Compiled Laws; Part 124 of THE PUBLIC HEALTH CODE, Act
8 No. 368 of the Public Acts of 1978, being sections 333.12401 to
9 333.12434 of the Michigan Compiled Laws; THE MICHIGAN OCCUPA-
10 TIONAL SAFETY AND HEALTH ACT, Act No. 154 of the Public Acts of
11 1974, as amended, being sections 408.1001 to 408.1094 of the
12 Michigan Compiled Laws; THE BOILER ACT OF 1965, Act No. 290 of
13 the Public Acts of 1965, as amended, being sections 408.751 to
14 408.776 of the Michigan Compiled Laws; or Act No. 227 of the
15 Public Acts of 1967, as amended, being sections 408.801 to
16 408.824 of the Michigan Compiled Laws. ~~This act shall not be~~
17 ~~construed to repeal, amend, or otherwise affect Act No. 306 of~~
18 ~~the Public Acts of 1937, as amended, being sections 388.851 to~~
19 ~~388.855a of the Michigan Compiled Laws.~~

20 Section 2. Act No. 306 of the Public Acts of 1937, being
21 sections 388.851 to 388.855a of the Michigan Compiled Laws, is
22 repealed.