



# HOUSE BILL No. 5883

May 14, 1996, Introduced by Reps. Prusi, Anthony, Freeman, Agee, DeHart, Kelly, Cherry, Parks, Hanley and LaForge and referred to the Committee on Appropriations.

A bill to amend section 22 of Act No. 230 of the Public Acts of 1972, entitled as amended

"State construction code act of 1972,"

as amended by Act No. 371 of the Public Acts of 1980, being section 125.1522 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 22 of Act No. 230 of the Public Acts of  
2 1972, as amended by Act No. 371 of the Public Acts of 1980, being  
3 section 125.1522 of the Michigan Compiled Laws, is amended to  
4 read as follows:

5 Sec. 22. (1) The legislative body of a governmental subdivi-  
6 sion shall establish reasonable fees to be charged by the gov-  
7 ernmental subdivision for acts and services performed by the  
8 enforcing agency or construction board of appeals ~~pursuant to~~  
9 UNDER this act. ~~, which~~ THE fees shall ~~be intended to~~ bear a

1 reasonable relation to the cost, including overhead, to the  
2 governmental subdivision of the acts and services, including,  
3 without limitation, ~~those services and acts as,~~ in case of an  
4 enforcing agency, issuance of building permits, examination of  
5 plans and specifications, inspection of construction undertaken  
6 ~~pursuant to~~ UNDER a building permit, and ~~the~~ issuance of cer-  
7 tificates of use and occupancy, and, in case of a board of  
8 appeals, hearing appeals. ~~in accordance with this act.~~ The  
9 enforcing agency shall collect the fees established under this  
10 subsection.

11 (2) To accomplish the objectives of this section and this  
12 act, a state construction code fund is created. The director of  
13 ~~labor~~ THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, after  
14 approval by the commission and following a public hearing held by  
15 the commission, shall establish reasonable fees to be charged by  
16 the commission for acts and services performed by the commission  
17 including, without limitation, inspection of plans and specifica-  
18 tions, issuance of certificates of acceptability, testing and  
19 evaluation of new products, methods and processes of construction  
20 or alteration, issuance of building permits, inspection of con-  
21 struction undertaken pursuant to a building permit, ~~the~~ issu-  
22 ance of certificates of use and occupancy, and hearing ~~of~~  
23 appeals. Fees established by the department shall ~~be intended~~  
24 ~~to~~ bear a reasonable relation to the cost, including overhead,  
25 of the service or act. Until the director of ~~labor~~ THE DEPART-  
26 MENT OF CONSUMER AND INDUSTRY SERVICES establishes fees ~~pursuant~~  
27 ~~to~~ UNDER this act, the fees established ~~pursuant to~~ UNDER this

1 subsection shall remain in effect. The state treasurer shall be  
2 the custodian of the fund and may invest the surplus of the fund  
3 in investments as in the state treasurer's judgment are in the  
4 best interest of the fund. Earnings from those investments shall  
5 be credited to the fund. The state treasurer shall notify the  
6 director and the legislature of interest credited and the balance  
7 of the fund as of September 30 of each year. The director shall  
8 supervise and administer the fund. Fees received by the depart-  
9 ment and money collected under this act shall be deposited in the  
10 state construction code fund and shall be appropriated by the  
11 legislature for the operation of the bureau of construction codes  
12 ~~and indirect overhead expenses in the department. However,~~  
13 ~~this restricted fund shall not be appropriated for the bureau of~~  
14 ~~construction code's performance evaluation program and complaint~~  
15 ~~investigation program. The performance evaluation program and~~  
16 ~~complaint investigations mandated in this act shall be funded by~~  
17 ~~appropriations from the general fund. Funds which THAT are~~  
18 unexpended at the end of each fiscal year shall be returned to  
19 the state construction code fund. A self-supporting fund shall  
20 be established within the commission to provide for the purchase  
21 and sale of codes and standards to the general public.