

SENATE BILL No. 1281

May 17, 2000, Introduced by Senators DINGELL, HART, KOIVISTO, PETERS, LELAND and BYRUM and referred to the Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs.

A bill to amend 1972 PA 230, entitled
"Stille-DeRossett-Hale single state construction code act,"
by amending sections 2a, 8a, and 28 (MCL 125.1502a, 125.1508a,
and 125.1528), sections 2a and 8a as added by 1999 PA 245 and
section 28 as amended by 1996 PA 48, and by adding section 8c;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

(a) "Agricultural or agricultural purposes" means of, or
pertaining to, or connected with, or engaged in agriculture or
tillage which is characterized by the act or business of culti-
vating or using land and soil for the production of crops for the
use of animals or humans, and includes, but is not limited to,
purposes related to agriculture, farming, dairying, pasturage,

1 horticulture, floriculture, viticulture, and animal and poultry
2 husbandry.

3 (b) "Application for a building permit" means an application
4 for a building permit submitted to an enforcing agency pursuant
5 to this act and plans, specifications, surveys, statements, and
6 other material submitted to the enforcing agency together or in
7 connection with the application.

8 (c) "Barrier free design" means design complying with legal
9 requirements for architectural designs which eliminate the type
10 of barriers and hindrances that deter persons with disabilities
11 from having access to and free mobility in and around a building
12 or structure.

13 (d) "Board of appeals" means the construction board of
14 appeals of a governmental subdivision provided for in section
15 14.

16 (e) "Boards" means the state plumbing, board of mechanical
17 rules, and electrical administrative boards and the barrier free
18 design board created in section 5 of 1966 PA 1, MCL 125.1355.

19 (f) "Building" means a combination of materials, whether
20 portable or fixed, forming a structure affording a facility or
21 shelter for use or occupancy by persons, animals, or property.
22 Building does not include a building, whether temporary or per-
23 manent, incidental to the use for agricultural purposes of the
24 land on which the building is located if it is not used in the
25 business of retail trade. Building includes the meaning "or part
26 or parts of the building and all equipment in the building"
27 unless the context clearly requires a different meaning.

1 (g) "Building envelope" means the elements of a building
2 which enclose conditioned spaces through which thermal energy may
3 be transferred to or from the exterior.

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

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

9 (j) "Code" means the state construction code provided for in
10 section 4 or a part of that code of limited application and
11 includes a modification of or amendment to the code.

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

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

17 (m) "Construction regulation" means a law, act, rule, regu-
18 lation, or code, general or special, or compilation thereof,
19 enacted or adopted before or after January 1, 1973, by this state
20 including a department, board, bureau, commission, or other
21 agency thereof, relating to the design, construction, or use of
22 buildings and structures and the installation of equipment in the
23 building or structure. Construction regulation does not include
24 a zoning ordinance or rule issued pursuant to a zoning ordinance
25 and related to zoning.

26 (n) "Cost-effective", in reference to section 4(3)(f) and
27 (g), means, using the existing energy efficiency standards and

1 requirements as the base of comparison, the economic benefits of
2 the proposed energy efficiency standards and requirements will
3 exceed the economic costs of the requirements of the proposed
4 rules based upon an incremental multiyear analysis. All of the
5 following provisions apply:

6 (i) The analysis shall take into consideration the perspec-
7 tive of a typical first-time home buyer.

8 (ii) The analysis shall consider benefits and costs over a
9 7-year time period.

10 (iii) The analysis shall not assume fuel price increases in
11 excess of the assumed general rate of inflation.

12 (iv) The analysis shall assure that the buyer of a home who
13 qualifies to purchase the home before the addition of the energy
14 efficient standards would still qualify to purchase the same home
15 after the additional cost of the energy-saving construction
16 features.

17 (v) The analysis shall assure that the costs of principal,
18 interest, taxes, insurance, and utilities will not be greater
19 after the inclusion of the proposed cost of the additional
20 energy-saving construction features required by the proposed
21 energy efficiency rules as opposed to the provisions of the
22 existing energy efficiency rules.

23 (o) "Department" means the department of consumer and indus-
24 try services.

25 (p) "Director" means the director of the department or an
26 authorized representative of the director.

1 (q) "Energy conservation" means the efficient use of energy
2 by providing building envelopes with high thermal resistance and
3 low air leakage, and the selection of energy efficient mechani-
4 cal, electrical service, and illumination systems, equipment,
5 devices, or apparatus.

6 (r) "Enforcing agency" means the enforcing agency, in
7 accordance with section 8a or 8b, which is responsible for admin-
8 istration and enforcement of the code within a governmental sub-
9 division, except for the purposes of section 19 enforcing agency
10 means the agency in a governmental unit principally responsible
11 for the administration and enforcement of applicable construction
12 regulations.

13 (s) "Equipment" means plumbing, heating, electrical, venti-
14 lating, air conditioning, and refrigerating equipment.

15 (t) "Governmental subdivision" means a county, city, vil-
16 lage, or township which in accordance with section 8 has assumed
17 responsibility for administration and enforcement of this act and
18 the code within its jurisdiction.

19 (u) "Mobile home" means a vehicular, portable structure
20 built on a chassis pursuant to the national manufactured housing
21 construction and safety standards act of 1974, title VI of the
22 housing and community development act of 1974, Public Law 93-383,
23 42 U.S.C. 5401 to 5426, and designed to be used without a per-
24 manent foundation as a dwelling when connected to required utili-
25 ties and which is, or is intended to be, attached to the ground,
26 to another structure, or to a utility system on the same premises
27 for more than 30 consecutive days.

1 (v) "Other laws and ordinances" means other laws and
2 ordinances whether enacted by this state or by a county, city,
3 village, or township and the rules issued under those laws and
4 ordinances.

5 (w) "Owner" means the owner of the freehold of the premises
6 or lesser estate in the premises, a mortgagee or vendee in pos-
7 session, an assignee of rents, receiver, executor, trustee,
8 lessee, or any other person, sole proprietorship, partnership,
9 association, or corporation directly or indirectly in control of
10 a building, structure, or real property or his or her duly autho-
11 rized agent.

12 (x) "Person with disabilities" means an individual whose
13 physical characteristics have a particular relationship to that
14 individual's ability to be self-reliant in the individual's move-
15 ment throughout and use of the building environment.

16 (y) "Premanufactured unit" means an assembly of materials or
17 products intended to comprise all or part of a building or struc-
18 ture, and which is assembled at other than the final location of
19 the unit of the building or structures by a repetitive process
20 under circumstances intended to insure uniformity of quality and
21 material content. Premanufactured unit includes a mobile home.

22 (Z) "SCHOOL BUILDING" MEANS A STRUCTURE IN WHICH 6 OR MORE
23 PUPILS RECEIVE INSTRUCTION. SCHOOL BUILDING ALSO MEANS A STRUC-
24 TURE OWNED, LEASED, OR UNDER THE CONTROL OF A PUBLIC OR PRIVATE K
25 TO 12 SCHOOL SYSTEM OR A COMMUNITY COLLEGE OR JUNIOR COLLEGE
26 ESTABLISHED UNDER SECTION 7 OF ARTICLE VIII OF THE STATE
27 CONSTITUTION OF 1963 OR PART 25 OF THE REVISED SCHOOL CODE, 1976

1 PA 451, MCL 380.1601 TO 380.1607. SCHOOL BUILDING DOES NOT
2 INCLUDE A DWELLING UNIT OR A STRUCTURE OWNED, LEASED, OR UNDER
3 THE CONTROL OF A COLLEGE OR UNIVERSITY DESCRIBED IN SECTION 4, 5,
4 OR 6 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963.

5 (AA) ~~-(z)-~~ "Structure" means that which is built or con-
6 structed, an edifice or building of any kind, or a piece of work
7 artificially built up or composed of parts joined together in
8 some definite manner. Structure does not include a structure
9 incident to the use for agricultural purposes of the land on
10 which the structure is located and does not include works of
11 heavy civil construction including, but not limited to, a high-
12 way, bridge, dam, reservoir, lock, mine, harbor, dockside port
13 facility, an airport landing facility and facilities for the gen-
14 eration or transmission, or distribution of electricity.
15 Structure includes the meaning "or part or parts of the structure
16 and all equipment in the structure" unless the context clearly
17 requires a different meaning.

18 (2) Unless the context clearly indicates otherwise, a refer-
19 ence to this act, or to this act and the code, means this act and
20 rules promulgated pursuant to this act including the code.

21 Sec. 8a. (1) This act and the code apply throughout the
22 state.

23 (2) Within 10 days after the effective date of this subsec-
24 tion, the director shall provide a notice of intent form to all
25 governmental subdivisions administering and enforcing a nation-
26 ally recognized model code other than the code established by the
27 commission under this act. This form shall set forth the date

1 return receipt is required, which date shall not be less than 60
2 days after receipt. The chief elected official of the governmen-
3 tal subdivision that receives this notice shall indicate on the
4 form the intention of the governmental subdivision as to whether
5 it shall administer and enforce the code and transmit this notice
6 to the director within the prescribed period. If a governmental
7 subdivision fails to submit a notice of intent to administer and
8 enforce the code within the date set forth in the notice, the
9 director shall send a notice by registered mail to the clerk of
10 that governmental subdivision. The registered notice shall indi-
11 cate that the governmental subdivision has 15 additional days in
12 which to submit a notice of intent to administer and enforce the
13 code. If the governmental subdivision does not respond by the
14 end of the 15 additional days, it shall be conclusively presumed
15 that the governmental subdivision does not intend to administer
16 and enforce the code, and the director shall assume the responsi-
17 bility for administering and enforcing this act and the code in
18 that governmental subdivision, unless the county within which
19 that governmental subdivision is located has submitted a notice
20 of intent to continue to administer and enforce this act and the
21 code. Governmental subdivisions may provide by agreement for
22 joint enforcement of the code.

23 (3) A governmental subdivision that has elected to assume
24 responsibility for the administration and enforcement of this act
25 and the code, and has submitted a notice of intent to continue to
26 administer and enforce the code to the director pursuant to

1 section 8b, after the effective date of this subsection, may
2 reverse that election.

3 (4) A governmental subdivision that, before the effective
4 date of this subsection, has elected to exempt itself pursuant to
5 section 8(1) may reverse that election, making itself subject to
6 the act and the code. However, that action shall not take effect
7 until 60 days after passage of an ordinance to that effect. A
8 structure commenced under an effective code shall be completed
9 under that code.

10 (5) A governmental subdivision that, before the effective
11 date of this subsection, has not administered and enforced either
12 this act and the code or another nationally recognized model code
13 may elect to enforce this act and the code pursuant to subsection
14 (1) by the passage of an ordinance to that effect. A governmen-
15 tal subdivision that makes this election after the effective date
16 of this subsection shall submit, in addition to the ordinance, an
17 application to the commission for approval to administer and
18 enforce that code within its jurisdiction. This application
19 shall be made on the proper form to be provided by the
20 commission. The standards for approval shall include, but not be
21 limited to, the certification by the governmental subdivision
22 that the enforcing agency is qualified by experience or training
23 to administer and enforce the code and all related acts and
24 rules, that agency personnel are provided as necessary, adminis-
25 trative services are provided, plan review services are provided,
26 and timely field inspection services shall be provided. The
27 director shall seek additional information if the director

1 considers it necessary. The commission shall render a decision
2 on the application for approval to administer and enforce the
3 code that has been adopted and transmit its findings to that gov-
4 ernmental subdivision within 90 days of receipt of the
5 application. The commission shall document its reasons if the
6 commission disapproves an application. A governmental subdivi-
7 sion that receives a disapproval may resubmit its application for
8 approval. Upon receipt of approval from the commission for the
9 administration and enforcement of the code, the governmental sub-
10 division shall administer and enforce the code within its juris-
11 diction pursuant to the provisions of its approved application.

12 (6) The code or any of its sections shall take effect 6
13 months after the code's initial promulgation. The 6-month delay
14 does not apply to rules promulgated to implement sections 13a,
15 13b, 13c, 19, and 21 and the requirements of barrier free design
16 and energy conservation of this act and code. The 6-month delay
17 does not apply to amendments to the code or any of the code's
18 sections after the initial promulgation.

19 (7) The standards for premanufactured housing shall not be
20 less than the standards required for nonpremanufactured housing,
21 except that manufactured homes labeled pursuant to the national
22 manufactured housing construction and safety standards act of
23 1974, title VI of the housing and community development act of
24 1974, Public Law 93-383, 42 U.S.C. 5401 to 5426, shall be consid-
25 ered to have complied with this requirement.

26 (8) The commission may limit the application of a part of
27 the code to include or exclude the following:

1 (a) Specified classes or types of buildings or structures,
2 according to use, or other distinctions as may make differentia-
3 tion or separate classification or regulation necessary, proper,
4 or desirable. The commission shall consider the specific prob-
5 lems of the construction or alteration of a single family,
6 owner-occupied recreational dwelling that is located in a
7 sparsely populated area and that is to be occupied on a part-time
8 basis.

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

13 (9) A building or structure that has baby changing stations
14 in the women's restrooms shall have baby changing stations in the
15 men's restrooms.

16 (10) The code shall provide, where appropriate, for stan-
17 dards involving location and construction of ratwalls that are
18 not less than those standards in existence on the effective date
19 of this section.

20 (11) ALL SITE PLANS SHALL BE SUBMITTED FOR REVIEW TO THE
21 LOCAL UNIT OF GOVERNMENT WHERE THE BUILDING IS TO BE LOCATED.
22 THE LOCAL UNIT OF GOVERNMENT MAY SUBMIT RECOMMENDATIONS AND COM-
23 MENTS TO THE GOVERNING BODY OF THE PUBLIC OR NONPUBLIC SCHOOL
24 WITHIN 30 DAYS FROM THE DATE THE LOCAL UNIT OF GOVERNMENT
25 RECEIVED THE PLANS.

26 SEC. 8C. (1) ALL PLANS AND SPECIFICATIONS FOR SCHOOL
27 BUILDINGS SHALL BE SUBMITTED TO THE DEPARTMENT AND, EXCEPT AS

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

4 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), THE BUREAU OF CON-
5 STRUCTION CODES SHALL PERFORM FOR SCHOOL BUILDINGS ALL PLAN
6 REVIEWS AND INSPECTIONS REQUIRED BY THE CODE AND SHALL BE THE
7 ENFORCING AGENCY FOR THIS ACT. EXCEPT AS PROVIDED IN
8 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) THE DIRECTOR SHALL DELEGATE THE RESPONSIBILITY FOR THE
18 ADMINISTRATION AND ENFORCEMENT OF THIS ACT TO THE APPLICABLE
19 AGENCY IF THE CODE OFFICIALS, INSPECTORS, AND PLAN REVIEWERS REG-
20 ISTERED UNDER THE BUILDING OFFICIALS AND INSPECTORS REGISTRATION
21 ACT, 1986 PA 54, MCL 338.2301 TO 338.2313, WHO WILL CONDUCT PLAN
22 REVIEWS AND INSPECTIONS OF SCHOOL BUILDINGS ARE DETERMINED BY THE
23 DIRECTOR TO HAVE THE NECESSARY EXPERIENCE TO PERFORM THESE
24 DUTIES.

25 (4) THIS SECTION DOES NOT AFFECT THE RESPONSIBILITIES OF THE
26 DEPARTMENT UNDER THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.1
27 TO 29.34. THE BUREAU OF CONSTRUCTION CODE AND THE OFFICE OF FIRE

1 SAFETY IN THE DEPARTMENT SHALL JOINTLY DEVELOP PROCEDURES TO USE
2 THE PLANS AND SPECIFICATIONS SUBMITTED UNDER SUBSECTION (1) IN
3 CARRYING OUT THE REQUIREMENTS OF THIS ACT AND THE FIRE PREVENTION
4 CODE, 1941 PA 207, MCL 29.1 TO 29.34.

5 (5) A CERTIFICATE OF OCCUPANCY SHALL NOT BE ISSUED BY THE
6 APPROPRIATE CODE ENFORCEMENT AGENCY UNTIL A CERTIFICATE OF
7 APPROVAL HAS BEEN ISSUED UNDER THE FIRE PREVENTION CODE, 1941 PA
8 207, MCL 29.1 TO 29.34.

9 (6) ALL PLANS AND SPECIFICATIONS FOR AN INSTRUCTIONAL OR
10 NONINSTRUCTIONAL SCHOOL BUILDING SHALL BE PREPARED BY AN ARCHI-
11 TECT OR PROFESSIONAL ENGINEER LICENSED TO PRACTICE ARCHITECTURE
12 OR PROFESSIONAL ENGINEERING IN THIS STATE. THE ARCHITECT OR PRO-
13 FESSIONAL ENGINEER PREPARING PLANS AND SPECIFICATIONS OF AN
14 INSTRUCTIONAL OR NONINSTRUCTIONAL SCHOOL BUILDING SHALL BE
15 RESPONSIBLE FOR DESIGNING THE BUILDING OF ADEQUATE STRENGTH SO AS
16 TO RESIST FIRE AND FOR PROVIDING PLANS AND SPECIFICATIONS WHICH
17 CONFORM TO APPLICABLE BUILDING AND SAFETY CODE REQUIREMENTS.

18 (7) CONSTRUCTION OF AN INSTRUCTIONAL OR NONINSTRUCTIONAL
19 SCHOOL BUILDING SHALL BE SUPERVISED BY AN ARCHITECT OR PROFES-
20 SIONAL ENGINEER LICENSED TO PRACTICE ARCHITECTURE OR PROFESSIONAL
21 ENGINEERING IN THIS STATE OR A PERSON CONSIDERED QUALIFIED BY THE
22 SCHOOL DISTRICT IF THE ARCHITECT, PROFESSIONAL ENGINEER, OR OTHER
23 QUALIFIED PERSON HAS SPECIFICALLY BEEN CONTRACTED BY THE SCHOOL
24 DISTRICT TO SUPERVISE, COORDINATE, AND MANAGE ALL CONSTRUCTION
25 ACTIVITIES. A PERSON WHO CONTRACTS WITH THE SCHOOL DISTRICT TO
26 MANAGE AND SUPERVISE CONSTRUCTION OF AN INSTRUCTIONAL OR
27 NONINSTRUCTIONAL SCHOOL BUILDING IS RESPONSIBLE FOR CONSTRUCTING

1 THOSE BUILDINGS OF ADEQUATE STRENGTH SO AS TO RESIST FIRE, AND
 2 FOR CONSTRUCTING THOSE BUILDINGS IN A WORKMANLIKE MANNER, ACCORD-
 3 ING TO THE APPROVED PLANS AND SPECIFICATIONS.

4 Sec. 28. (1) Any provision of section 34 of ~~Act No. 18 of~~
 5 ~~the Public Acts of the Extra Session of 1933, being section~~
 6 ~~125.684 of the Michigan Compiled Laws; Act No. 266 of the Public~~
 7 ~~Acts of 1929, being sections 338.901 to 338.917 of the Michigan~~
 8 ~~Compiled Laws; Act No. 222 of the Public Acts of 1901, being sec-~~
 9 ~~tions 338.951 to 338.965 of the Michigan Compiled Laws the elec-~~
 10 ~~trical administrative act, Act No. 217 of the Public Acts of~~
 11 ~~1956, being sections 338.881 to 338.892 of the Michigan Compiled~~
 12 ~~Laws~~ 1933 (EX SESS) PA 18, MCL 125.684; 1929 PA 266, MCL 338.901
 13 TO 338.917; 1901 PA 222, MCL 338.951 TO 338.965; THE ELECTRICAL
 14 ADMINISTRATIVE ACT, 1956 PA 217, 338.881 TO 338.892; and any
 15 other public act of this state ~~which~~ THAT is inconsistent or
 16 ~~in conflict~~ CONFLICTS with this act is superseded to the extent
 17 of the inconsistency or conflict.

18 (2) This act ~~shall not be construed to~~ DOES NOT repeal,
 19 amend, supersede, or otherwise affect the powers and duties pres-
 20 ently exercised under part 55 ~~(air pollution)~~ of the natural
 21 resources and environmental protection act, ~~Act No. 451 of the~~
 22 ~~Public Acts of 1994, being sections 324.5501 to 324.5542 of the~~
 23 ~~Michigan Compiled Laws; part 124 of Act No. 368 of the Public~~
 24 ~~Acts of 1978, being sections 333.12401 to 333.12434 of the~~
 25 ~~Michigan Compiled Laws; the Michigan occupational safety and~~
 26 ~~health act, Act No. 154 of the Public Acts of 1974, being~~
 27 ~~sections 408.1001 to 408.1094 of the Michigan Compiled Laws; the~~

1 boiler act of 1965, Act No. 290 of the Public Acts of 1965, being
2 sections 408.751 to 408.776 of the Michigan Compiled Laws; or Act
3 No. 227 of the Public Acts of 1967, being sections 408.801 to
4 408.824 of the Michigan Compiled Laws. This act shall not be
5 construed to repeal, amend, or otherwise affect Act No. 306 of
6 the Public Acts of 1937, being sections 388.851 to 388.855a of
7 the Michigan Compiled Laws 1994 PA 451, MCL 324.5501 TO
8 324.5542; PART 124 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
9 333.12401 TO 333.12434; THE MICHIGAN OCCUPATIONAL SAFETY AND
10 HEALTH ACT, 1974 PA 154, MCL 408.1001 TO 408.1094; THE BOILER ACT
11 OF 1965, 1965 PA 290, MCL 408.751 TO 408.776; AND 1967 PA 227,
12 MCL 408.801 TO 408.824.

13 Enacting section 1. (1) Section 1263 of the revised school
14 code, 1976 PA 451, MCL 380.1263, is repealed.

15 (2) 1937 PA 306, MCL 388.851 to 388.855a, is repealed.