

**SUBSTITUTE FOR
SENATE BILL NO. 358**

A bill to amend 1937 PA 306, entitled

"An act to promote the safety, welfare and educational interests of the people of the state of Michigan by regulating the construction, reconstruction and remodeling of certain public or private school buildings or additions thereto, by regulating the construction, reconstruction and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of the superintendent of public instruction, the state fire marshal, architects, engineers and school board members with respect thereto; to prescribe penalties for the violation of this act; and to repeal all acts and parts of acts, general, local and special, inconsistent with or contrary to the provisions of this act,"

by amending the title and section 1 (MCL 388.851) and by adding section 1b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to promote the safety, welfare, and educational

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interests of the people of the state of Michigan by regulating

4

the construction, reconstruction, and remodeling of certain

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1 public or private school buildings or additions ~~thereto~~ TO SUCH
2 BUILDINGS, by regulating the construction, reconstruction, and
3 remodeling of buildings leased or acquired for school purposes,
4 and to define the class of buildings affected by this act; to
5 prescribe the powers and duties of ~~the superintendent of public~~
6 ~~instruction, the state fire marshal, architects, engineers and~~
7 ~~school board members with respect thereto~~ CERTAIN STATE AGENCIES
8 AND OFFICIALS; to prescribe penalties for the violation of this
9 act; and to repeal ~~all acts and parts of acts, general, local~~
10 ~~and special, inconsistent with or contrary to the provisions of~~
11 ~~this act~~ ACTS AND PARTS OF ACTS.

12 Sec. 1. ~~No~~ A school building, public or private, or ANY
13 additions ~~thereto~~ TO A SCHOOL BUILDING, shall NOT be erected,
14 remodeled, or reconstructed in ~~the~~ THIS state except ~~it be~~ in
15 conformity with ALL OF the following provisions:

16 (a) All plans and specifications for buildings shall be pre-
17 pared by ~~and the construction supervised by,~~ an architect or
18 PROFESSIONAL engineer who is ~~registered~~ LICENSED in ~~the~~ THIS state. AN
19 ARCHITECT OR PROFESSIONAL ENGINEER LICENSED IN THIS STATE OR ANOTHER
20 PERSON QUALIFIED TO SUPERVISE CONSTRUCTION SHALL SUPERVISE THE
21 CONSTRUCTION OF A SCHOOL BUILDING. ~~of Michigan.~~
22 ~~Before the construction, reconstruction or remodeling of any~~
23 ~~school building or addition thereto is commenced, the written~~
24 ~~approval of the plans and specifications by the superintendent of~~
25 ~~public instruction or his authorized agent shall be obtained.~~
26 ~~The superintendent of public instruction or his authorized agent~~
27 ~~shall not issue such approval until he has secured in writing the~~
28 ~~approval of the state fire marshal, or the appropriate municipal~~
29 ~~official when certification as described in section 3 has been~~
30 ~~made, relative to factors concerning fire safety and of the~~

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1 ~~health department having jurisdiction relative to factors~~
2 ~~affecting water supply, sanitation and food handling.~~

3 ~~The superintendent of public instruction shall publish an~~
4 ~~informative bulletin which shall set forth good school building~~
5 ~~planning procedures and interpret clearly the provisions of this~~
6 ~~act. The bulletin shall be prepared in cooperation with the~~
7 ~~state fire marshal and the state health commissioner and, insofar~~
8 ~~as requirements for approval of plans are concerned, shall be~~
9 ~~consistent with recognized good practice as evidenced by stan-~~
10 ~~dards adopted by nationally recognized authorities in the fields~~
11 ~~of fire protection and health.~~

12 (b) All walls, floors, partitions, and roofs shall be con-
13 structed of fire-resisting materials such as stone, brick, tile,
14 concrete, gypsum, steel, or similar fire-resisting material. All
15 steel members shall be protected by at least 3/4 of an inch of
16 fire-resisting material.

17 (c) ~~No wood~~ WOOD lath or wood furring shall NOT be used IN
18 THE CONSTRUCTION. These regulations shall not be construed as
19 prohibiting the use of finished wood flooring, wood door and
20 window frames, wood sash, or wood furring and grounds, for the
21 purpose of installing wood trim, panelling, accoustical units, or
22 similar facing materials on masonry walls, structural steel, or
23 concrete ceiling members.

24 (d) Every room enclosing a heating unit shall be enclosed by
25 walls of fire-resisting materials and shall be equipped with
26 automatically closing fire doors. ~~and said~~ ALL heating ~~unit~~
27 UNITS shall not be located directly beneath any portion of a

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1 school building or addition ~~thereto which~~ THAT is constructed
2 or reconstructed after ~~the effective date of this act~~ JANUARY
3 1, 2002. This regulation shall not be construed to require the
4 removal of an existing heating plant from beneath an existing
5 building when an addition to ~~such~~ THE building is constructed
6 unless ~~the state superintendent of public instruction or his~~
7 ~~authorized agent, acting jointly with the state fire marshal,~~
8 ~~shall so require~~ THE DEPARTMENT REQUIRES SUCH REMOVAL in the
9 interests of the public safety. In any school where natural gas
10 or any other kind of gas is used for heating purposes, the gas
11 shall be chemically treated before being used in such a manner as
12 to give a very distinguishable odor if any leak should develop in
13 the heating system.

14 (e) In gymnasiums, fire-proofings may be omitted from the
15 trusses and purlins if they are more than 16 feet off the main
16 floor level.

17 (F) The architect or engineer shall provide adequate exits
18 from all parts of school buildings. In all cases, there shall be
19 at least 2 stairways and the distance from the door of any class
20 or assembly room to a stairway or exit shall not exceed 100
21 feet.

22 (G) ~~(f)~~ Provisions in subdivisions (b) to ~~(e)~~ (F) may be
23 waived in writing by the ~~state fire marshal~~ DEPARTMENT.

24 (H) COMPLIANCE WITH SECTION 1B.

25 SEC. 1B. (1) EXCEPT AS PROVIDED IN SUBSECTION (6), THE
26 DEPARTMENT IS RESPONSIBLE FOR THE ADMINISTRATION AND ENFORCEMENT
27 OF THIS ACT AND THE STILLE-DEROSSETT-HALE SINGLE STATE

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1 CONSTRUCTION CODE ACT OF 1972, 1972 PA 230, MCL 125.1501 TO
2 125.1531, IN EACH SCHOOL BUILDING IN THIS STATE.

3 (2) EXCEPT AS PROVIDED IN SUBSECTION (6), A SCHOOL BUILDING
4 COVERED BY BOND ISSUES THAT WERE APPROVED BY THE DEPARTMENT OF
5 TREASURY AFTER JULY 1, 2002 SHALL NOT BE CONSTRUCTED, REMODELED,
6 OR RECONSTRUCTED IN THIS STATE UNTIL WRITTEN APPROVAL OF THE
7 PLANS AND SPECIFICATIONS IS OBTAINED FROM THE DEPARTMENT INDICAT-
8 ING THAT THE SCHOOL BUILDING WILL BE DESIGNED AND CONSTRUCTED IN
9 CONFORMANCE WITH THE CODE. THIS SUBSECTION DOES NOT APPLY TO ANY
10 SCHOOL BUILDING FOR WHICH CONSTRUCTION IS COVERED BY BOND ISSUES
11 THAT WERE APPROVED BY THE DEPARTMENT OF TREASURY BEFORE JULY 1,
12 2002.

13 (3) THE DEPARTMENT SHALL DEVELOP A PLAN FOR CONDUCTING NO-COST,
14 WALK-THROUGH SAFETY INSPECTIONS OF SCHOOL BUILDINGS CONSTRUCTED,
15 REMODELED, OR RECONSTRUCTED IN THE STATE SINCE JANUARY 1, 1978.
16 INSPECTIONS SHALL BE CONDUCTED BY STAFF OF THE DEPARTMENT OF
17 CONSUMER AND INDUSTRY SERVICES WITH THE PERMISSION OF THE
SUPERINTENDENT OF THE SCHOOL DISTRICT IN WHICH THE BUILDING IS
LOCATED. IF THE SCHOOL BUILDING IS DETERMINED TO BE STRUCTURALLY
COMPROMISED. THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES SHALL
PROVIDE A DRAFT REPORT TO THE SUPERINTENDENT OF THE AFFECTED SCHOOL
DISTRICT PRIOR TO THE RELEASE OF THE FINAL REPORT.

18 (4) RESPONSIBILITY FOR INSPECTIONS OF SCHOOL BUILDINGS SHALL
19 BE DETERMINED BY 1 OF THE FOLLOWING METHODS:

20 (A) BY AN INDEPENDENT THIRD PARTY DESIGNATED IN THE CONTRACT
21 GOVERNING THE CONSTRUCTION, REMODELING, OR RECONSTRUCTION OF A
22 SCHOOL BUILDING. THE INDEPENDENT THIRD PARTY SHALL BE RESPONSI-
23 BLE FOR ALL INSPECTIONS REQUIRED TO INSURE COMPLIANCE WITH THE
24 CODE. THE SCHOOL AUTHORITY SHALL VERIFY THAT THE INDEPENDENT THIRD
25 PARTY NAMED IS KNOWLEDGEABLE ABOUT CONSTRUCTION PRACTICES AND CODES AND
26 IS OTHERWISE QUALIFIED TO CONDUCT THE INSPECTIONS. THE NAME OF
27 THE INDEPENDENT THIRD PARTY TO BE RESPONSIBLE FOR CONDUCTING

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1 INSPECTIONS SHALL BE SUBMITTED TO THE DEPARTMENT WITH THE PLANS
2 AND SPECIFICATIONS REQUIRED BY SUBSECTION (2). IF THE DEPARTMENT
3 DETERMINES THAT THE INDEPENDENT THIRD PARTY IS NOT QUALIFIED TO
4 CONDUCT THE INSPECTIONS OR IS NOT AN INDEPENDENT THIRD PARTY, IT SHALL
5 DISAPPROVE OF THE DESIGNATION AND NOTIFY THE SCHOOL AUTHORITY. ALL INSPECTION REPORTS PREPARED BY THE
6 PERSON DESIGNATED BY THE SCHOOL AUTHORITY UNDER THIS SUBDIVISION
7 SHALL BE SENT TO THE DEPARTMENT UPON COMPLETION OF THE
8 INSPECTION. THE DEPARTMENT MAY RETURN THE REPORT FOR FURTHER
9 WORK IF THERE ARE QUESTIONS RELATING TO THE SCOPE OF THE INSPEC-
10 TION OR WHETHER THE CONSTRUCTION, REMODELING, OR RECONSTRUCTION
11 MEETS THE REQUIREMENTS OF THE CODE.

12 (B) IF A DESIGNATION OF AN INDEPENDENT THIRD PARTY IS NOT
13 MADE AS REQUIRED UNDER SUBDIVISION (A), THE INSPECTIONS REQUIRED
14 TO INSURE COMPLIANCE WITH THE CODE WILL BE PERFORMED BY THE
15 DEPARTMENT OR AS PROVIDED UNDER SUBSECTION (6).

16 (5) EXCEPT AS PROVIDED IN SUBSECTION (6), THE DEPARTMENT
17 SHALL PERFORM FOR SCHOOL BUILDINGS ALL PLAN REVIEWS WITHIN 60
18 DAYS FROM THE DATE THE PLANS ARE FILED OR CONSIDERED APPROVED AND
19 INSPECTIONS WITHIN 5 BUSINESS DAYS AS REQUIRED BY THE CODE AND
20 SHALL BE THE ENFORCING AGENCY FOR THIS ACT.

21 (6) THE DEPARTMENT SHALL DELEGATE THE RESPONSIBILITY FOR THE
22 ADMINISTRATION AND ENFORCEMENT OF THIS ACT TO THE APPLICABLE
23 AGENCY IF BOTH THE SCHOOL BOARD AND THE GOVERNING BODY OF THE
24 GOVERNMENTAL SUBDIVISION HAVE ANNUALLY CERTIFIED TO THE DEPART-
25 MENT, IN A MANNER PRESCRIBED BY THE DEPARTMENT, THAT FULL-TIME
26 CODE OFFICIALS, INSPECTORS, AND PLAN REVIEWERS REGISTERED UNDER
27 THE BUILDING OFFICIALS AND INSPECTORS REGISTRATION ACT, 1986 PA

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1 54, MCL 338.2301 TO 338.2313, WILL CONDUCT PLAN REVIEWS AND
2 INSPECTIONS OF SCHOOL BUILDINGS.

3 (7) THIS SECTION DOES NOT AFFECT THE RESPONSIBILITIES OF THE
4 DEPARTMENT UNDER THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.1
5 TO 29.34. THE BUREAU OF CONSTRUCTION CODES AND THE OFFICE OF
6 FIRE SAFETY IN THE DEPARTMENT SHALL JOINTLY DEVELOP PROCEDURES TO
7 USE THE PLANS AND SPECIFICATIONS SUBMITTED IN CARRYING OUT THE
8 REQUIREMENTS OF THIS ACT AND THE FIRE PREVENTION CODE, 1941 PA
9 207, MCL 29.1 TO 29.34. A CERTIFICATE OF OCCUPANCY SHALL NOT BE
10 ISSUED BY THE APPROPRIATE CODE ENFORCEMENT AGENCY UNTIL A CERTIF-
11 ICATE OF APPROVAL HAS BEEN ISSUED UNDER THE FIRE PREVENTION CODE,
12 1941 PA 207, MCL 29.1 TO 29.34.

13 (8) THIS SECTION APPLIES TO CONSTRUCTION, REMODELING, OR
14 RECONSTRUCTION OF SCHOOL BUILDINGS THAT ARE COVERED BY BOND
15 ISSUES THAT WERE APPROVED BY THE DEPARTMENT OF TREASURY AFTER
16 JULY 1, 2002. CONSTRUCTION, REMODELING, OR RECONSTRUCTION OF
17 SCHOOL BUILDINGS THAT ARE COVERED BY BOND ISSUES APPROVED BEFORE
18 JULY 1, 2002 SHALL SUBMIT THE PLANS AND SPECIFICATIONS TO THE
19 DEPARTMENT FOR APPROVAL UNDER SECTION 1. THE DEPARTMENT SHALL
20 NOT GRANT APPROVAL UNTIL IT HAS RECEIVED THE CERTIFICATION
21 DESCRIBED IN SECTION 3 RELATIVE TO FIRE SAFETY AND FROM THE
22 APPROPRIATE HEALTH DEPARTMENT RELATIVE TO WATER SUPPLY, SANITA-
23 TION, AND FOOD HANDLING.

24 (9) AS USED IN THIS SECTION:

25 (A) "CODE" MEANS THE STATE CONSTRUCTION CODE PROVIDED FOR IN
26 THE STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT,
27 1972 PA 230, MCL 125.1501 TO 125.1531.

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1 (B) "CONSTRUCTION" SHALL HAVE THE SAME MEANING AS THAT TERM
2 IS DEFINED UNDER SECTION 2A OF THE STILLE-DEROSSETT-HALE SINGLE
3 STATE CONSTRUCTION CODE ACT, 1972 PA 230, MCL 125.1502A.

4 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF CONSUMER AND INDUS-
5 TRY SERVICES.