

SENATE BILL No. 1125

March 25, 2004, Introduced by Senators PATTERSON, CASSIS, SWITALSKI, JACOBS and HARDIMAN and referred to the Committee on Education.

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 to such buildings, 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 certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts,"

by amending section 1b (MCL 388.851b), as added by 2002 PA 628.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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1 Sec. 1b. (1) Except as provided in subsection (5), the
2 department is responsible for the administration and enforcement
3 of this act and the Stille-DeRossett-Hale single state
4 construction code act, ~~of 1972,~~ 1972 PA 230, MCL 125.1501 to
5 125.1531, in each school building in this state.

6 (2) Except as provided in subsection (5), a school building
7 covered by bond issues that were approved by the department of

1 treasury after July 1, 2003 shall not be constructed, remodeled,
2 or reconstructed in this state until written approval of the
3 plans and specifications is obtained from the department
4 indicating that the school building will be designed and
5 constructed in conformance with the code. This subsection does
6 not apply to any school building for which construction is
7 covered by bond issues that were approved by the department of
8 treasury before July 1, 2003.

9 (3) Responsibility for inspections of school buildings shall
10 be determined by 1 of the following methods:

11 (a) By an independent third party designated in the contract
12 governing the construction, remodeling, or reconstruction of a
13 school building. The independent third party shall be
14 responsible for all inspections required to insure compliance
15 with the code. The school authority shall verify that the
16 independent third party named is knowledgeable about construction
17 practices and codes and is otherwise qualified to conduct the
18 inspections. The name of the independent third party to be
19 responsible for conducting inspections shall be submitted to the
20 department with the plans and specifications required by
21 subsection (2). If the department determines that the
22 independent third party is not qualified to conduct the
23 inspections or is not an independent third party, it shall
24 disapprove of the designation and notify the school authority.
25 All inspection reports prepared by the person designated by the
26 school authority under this subdivision shall be sent to the
27 department upon completion of the inspection. The department may

1 return the report for further work if there are questions
2 relating to the scope of the inspection or whether the
3 construction, remodeling, or reconstruction meets the
4 requirements of the code.

5 (b) If a designation of an independent third party is not
6 made as required under subdivision (a), the inspections required
7 to insure compliance with the code will be performed by the
8 department or as provided under subsection (5).

9 (4) Except as provided in subsection (5), the department
10 shall perform for school buildings all plan reviews within 60
11 days from the date the plans are filed or considered approved and
12 inspections within 5 business days as required by the code and
13 shall be the enforcing agency for this act.

14 (5) The department shall delegate the responsibility for the
15 administration and enforcement of this act to the applicable
16 agency if both the school board and the governing body of the
17 governmental subdivision have annually certified to the
18 department, in a manner prescribed by the department, that
19 full-time code officials, inspectors, and plan reviewers
20 registered under the building officials and inspectors
21 registration act, 1986 PA 54, MCL 338.2301 to 338.2313, will
22 conduct plan reviews and inspections of school buildings.

23 (6) This section does not affect the responsibilities of the
24 department under the fire prevention code, 1941 PA 207, MCL 29.1
25 to 29.34. The bureau of construction codes and the office of
26 fire safety in the department shall jointly develop procedures to
27 use the plans and specifications submitted in carrying out the

1 requirements of this act and the fire prevention code, 1941 PA
2 207, MCL 29.1 to 29.34. A certificate of occupancy shall not be
3 issued by the appropriate code enforcement agency until a
4 certificate of approval has been issued under the fire prevention
5 code, 1941 PA 207, MCL 29.1 to 29.34.

6 (7) This section applies to construction, remodeling, or
7 reconstruction of school buildings that are covered by bond
8 issues that were approved by the department of treasury after
9 July 1, 2003. Construction, remodeling, or reconstruction of
10 school buildings that are covered by bond issues approved before
11 July 1, 2003 shall submit the plans and specifications to the
12 department for approval under section 1. The department shall
13 not grant approval until it has received the certification
14 described in section 3 relative to fire safety and from the
15 appropriate health department relative to water supply,
16 sanitation, and food handling.

17 (8) As used in this section:

18 (a) **"Approved by the department of treasury" means the**
19 **qualification authorizing a school district to issue municipal**
20 **securities under section 303(3) of the revised municipal finance**
21 **act, 2001 PA 34, MCL 141.2303, or preliminary qualification under**
22 **section 4(1)(f) of 1961 PA 108, MCL 388.954.**

23 (b) ~~-(a)-~~ "Code" means the state construction code provided
24 for in the Stille-DeRossett-Hale single state construction code
25 act, 1972 PA 230, MCL 125.1501 to 125.1531.

26 (c) ~~-(b)-~~ "Construction" ~~shall have the same meaning as~~
27 **means** that term ~~is~~ **as** defined ~~under~~ **in** section 2a of the

1 Stille-DeRossett-Hale single state construction code act, 1972 PA
2 230, MCL 125.1502a.

3 (d) ~~(e)~~ "Department" means the department of ~~consumer and~~
4 ~~industry services~~ **labor and economic growth.**