

# SENATE BILL No. 969

May 18, 2016, Introduced by Senators MACGREGOR, SCHUITMAKER, ZORN, KNOLLENBERG, HORN and SCHMIDT and referred to the Committee on Regulatory Reform.

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 amended by 2006 PA 199.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

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

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

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

13 (5) The department shall delegate the responsibility for the  
14 administration and enforcement of this act to the applicable agency  
15 if both the school board and the governing body of the governmental  
16 subdivision have annually certified to the department, in a manner  
17 prescribed by the department, that full-time code officials,  
18 inspectors, and plan reviewers **WHO ARE** registered under the  
19 ~~building officials and inspectors registration act, 1986 PA 54, MCL~~  
20 ~~338.2301 to 338.2313,~~ **ARTICLE 10 OF THE SKILLED TRADES REGULATION**  
21 **ACT, MCL 339.6001 TO 339.6023,** will conduct plan reviews and  
22 inspections of school buildings.

23 (6) This section does not affect the responsibilities of the  
24 bureau of fire services under the fire prevention code, 1941 PA  
25 207, MCL 29.1 to ~~29.34.~~ **29.33.** The bureau of construction codes and  
26 ~~safety~~ and the bureau of fire services in the department shall  
27 jointly develop procedures to use the plans and specifications

submitted in carrying out the requirements of this act and the fire prevention code, 1941 PA 207, MCL 29.1 to ~~29.34.~~**29.33.** A certificate of occupancy shall not be issued by the appropriate code enforcement agency until a certificate of approval ~~has been~~**IS** issued under the fire prevention code, 1941 PA 207, MCL 29.1 to ~~29.34.~~**29.33.**

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

(8) As used in this section:

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

(b) "Construction" means that term as defined in section 2a of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1502a.

(c) "Department" means the department of ~~labor and economic growth.~~**LICENSING AND REGULATORY AFFAIRS.**

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

1           Enacting section 2. This amendatory act does not take effect  
2 unless Senate Bill No. 963  
3           of the 98th Legislature is enacted into law.