

# Legislative Analysis

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## **BUILDING CODE REVISIONS: CREATE ADVISORY COMMITTEES**

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5376 as introduced**  
**Sponsor: Rep. Brandt Iden**  
**Committee: Regulatory Reform**  
**Complete to 5-22-18**

Analysis available at  
<http://www.legislature.mi.gov>

## **SUMMARY:**

House Bill 5376 would amend the Stille-DeRossett-Hale Single State Construction Code Act to require the director of the Department of Licensing and Regulatory Affairs (LARA), before promulgation of a new edition of a building trades code, to appoint an advisory committee for each building trade. The bill would also, among other things, prescribe the membership of each trade's advisory committee, prescribe the duties of the advisory committees, require a meeting of an advisory committee to be posted online, and require a report of the advisory committee's recommendations.

The Michigan construction code consists of the International Building Code (IBC), International Residential Code, International Mechanical Code, International Plumbing Code, International Existing Building Code, and the International Energy Conservation Code published by the International Code Council and also the National Electrical Code published by the National Fire Prevention Association. Michigan's construction code authorizes the director of the Department of Licensing and Regulatory Affairs (LARA) to adopt all or any part of the international and national building codes or the standards contained within the codes by reference.

Currently, Michigan's code is required to be divided into sections as the director considers appropriate (e.g., building, plumbing, electrical, and mechanical sections). The boards<sup>1</sup> are required to work with the director's staff in the preparation of parts relating to their functions. Before an amendment to a code is promulgated, the boards whose functions relate to the code being amended may draft and recommend proposed language to the director. The director is required to consider all submissions by the boards, but has final responsibility for the promulgation of the code. The bill would delete this provision and instead create advisory committees that would review and compare the new edition of their assigned model code to the existing Michigan code, as well as consider any proposal submitted for revision or amendment to the newest edition of the model code.

### Advisory committees

The bill would require the director, before promulgation of a new edition of any of the seven listed codes that make up the state construction code, to appoint separate advisory committees for each of those codes. The director would also appoint the members of each

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<sup>1</sup> State Plumbing Board, Board of Mechanical Rules, Electrical Administrative Board, and Barrier Free Design Board

of the seven separate advisory committees, as prescribed in the bill. An individual could serve on more than one advisory committee. The seven advisory committees would be:

- Advisory Committee for the International Building Code
- Advisory Committee for the National Electrical Code
- Advisory Committee for the commercial chapters of the International Energy Conservation Code
- Advisory Committee for the International Existing Building Code
- Advisory Committee for the International Mechanical Code
- Advisory Committee for the International Plumbing Code
- Advisory Committee for all chapters of the International Residential Code

Representatives from companies engaged in the manufacture, promotion, or sale of materials or components used in construction could not serve on an advisory committee.

### Meetings

A notice of the date, time and place of an advisory committee's meeting, along with an agenda, would be required to be posted on LARA's website at least 5 business days before the scheduled date. Meetings would have to be held in a place available to the general public, and all persons would be permitted to attend. All persons would have to be afforded a reasonable opportunity to present their views on the matters before the committee prior to any vote on the matter.

Each committee would be required to vote publicly and by roll call on each proposed revision or amendment. Approval of a revision or amendment would be by a majority vote of those present. All votes would have to be posted on the LARA website within 48 hours of the meeting.

### Report

Each advisory committee would be required to prepare and submit a report to the director containing the committee's recommendations for changes to the existing Michigan code in effect at the time of the review. The report would have to include the adoption of any new language or requirements from the latest edition of the relevant model code. In making recommendations, the advisory committee would have to consider the following:

- The reason, and the demonstrated need in Michigan, for each proposed revision or amendment.
- The impact that the revision or amendment could have upon the health, safety, and welfare of the public.
- The economic reasonableness and financial impact of the revision or amendment.
- The technical feasibility of the revision or amendment.

All submissions and recommendations from the advisory committees would have to be considered by the director. However, the director, as now, would have final responsibility for the promulgation of the code.

MCL 125.1504

**FISCAL IMPACT:**

House Bill 5376 would not have a significant fiscal impact on any unit of state or local government. None of the changes made by the bill would require additional expenditures or create additional revenues.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.