



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5376 (Substitute H-2 as passed by the House)
Sponsor: Representative Brandt Iden
House Committee: Regulatory Reform
Senate Committee: Regulatory Reform

Date Completed: 12-12-18

CONTENT

The bill would amend the Single State Construction Code Act to do the following:

- **Delete provisions requiring the State Construction Code to be divided into sections, requiring the boards to participate in preparing the parts relating to their functions, allowing the boards to recommend proposed language, and requiring the Director of the Department of Licensing and Regulatory Affairs (LARA) to consider the boards' recommendations.**
- **Require the Director to appoint separate advisory committees for each of the codes described in the Act, and prescribe the membership in each of the advisory committees.**
- **Require a notice specifying the date, time, and place of an advisory committee meeting to be posted on LARA's website at least five days before the meeting, and require meetings to be open to the general public.**
- **Require each advisory committee to submit for the Director's consideration a report containing the committee's recommendations for changes to the existing Michigan code.**
- **Require an advisory committee to consider certain criteria in making its recommendations.**
- **Allow members of advisory committees to participate in meetings in person or through use of electronic or telephonic means as determined by the Director.**

Advisory Committees

The Act requires the State Construction Code to be divided into sections as the Director considers appropriate. The State Plumbing Board, the Board of Mechanical Rules, the Electrical Administrative Board, and the Barrier Free Design Board must participate in preparing the parts relating to their functions. The boards may recommend to the director proposed language before promulgation of an amendment to the Code. The Director must consider the boards' recommendations, but has final responsibility for promulgation of the Code. The bill would delete these provisions.

(The Code consists of the International Residential Code, the International Building Code, the International Mechanical Code, the International Plumbing Code, the International Existing Building Code, and the International Energy Conservation Code published by the International Code Council, and the National Electrical Code published by the National Fire Prevention Association, with amendments, additions, or deletions as the Director determines appropriate.)

Under the bill, before promulgation of a new edition of a code, the Director would have to appoint separate advisory committees for each of the codes described above. The membership in each of the advisory committees would be as described below. Individuals could be appointed to serve on more than one advisory committee.

International Building Code. The advisory committee for the International Building Code would consist of the following members appointed by the Director:

- Two representatives from fire services.
- Two licensed architects.
- One registered engineer.
- Three registered building officials or inspectors.
- One registered plan reviewer.
- Two commercial contractors.
- One multifamily contractor.
- Two building owners or managers.
- One representative of persons with disabilities.
- One representative of material suppliers or material manufacturers.
- The chief of the building division, or his or her representative, who would serve as a nonvoting member.

National Electrical Code. The advisory committee for the National Electrical Code would consist of the following members appointed by the Director:

- One licensed electrical contractor.
- One journeyman electrician.
- One master electrician.
- Two registered electrical inspectors.
- One building owner or manager.
- One commercial contractor.
- One representative of material suppliers or material manufacturers.
- The chief of the electrical division, or his or her representative, who would serve as a nonvoting member.

International Energy Conservation Code. The advisory committee for the commercial chapters of the International Energy Conservation Code would consist of the following members appointed by the Director:

- One energy rater or modeler.
- Three licensed architects.
- One registered engineer.
- One licensed electrical contractor.
- One licensed mechanical contractor.
- Three registered building officials or inspectors.
- One commercial contractor.
- One multifamily contractor.
- One building owner or manager.
- One electrical utility representative.
- One gas utility representative.
- One representative of material suppliers or material manufacturers.
- The director of the Michigan agency for energy, or his or her representative, who would serve as a nonvoting member.

International Existing Building Code. The advisory committee for the International Existing Building Code would consist of the following members appointed by the Director:

- Two representatives from fire services.
- One licensed architect.
- One registered engineer.
- One licensed electrical contractor.
- One registered plan reviewer.
- Two registered building officials or inspectors.
- One representative of persons with disabilities.
- One contractor specializing in renovation and rehabilitation of existing buildings.
- One building owner or manager.
- One representative of material suppliers or material manufacturers.
- The chief of the plan review division, or a representative, would serve as a nonvoting member.

International Mechanical Code. The advisory committee for the International Mechanical Code would consist of the following members appointed by the Director:

- One licensed professional mechanical engineer.
- Three licensed mechanical contractors.
- Two registered mechanical inspectors.
- One building owner or manager.
- One representative of material suppliers or material manufacturers.
- The chief of the mechanical division, or his or her representative, who would serve as a nonvoting member.

International Plumbing Code. The advisory committee for the International Plumbing Code would consist of the following members appointed by the Director:

- Two licensed master plumbers.
- Three registered plumbing inspectors.
- One building owner or manager.
- One plumbing contractor.
- One representative of material suppliers or material manufacturers.
- The chief of the plumbing division, or his or her representative, who would serve as a nonvoting member.

International Residential Code. The advisory committee for all chapters of the International Residential Code would consist of the following members appointed by the director:

- One licensed architect.
- One registered engineer.
- One representative from fire services.
- One licensed electrical contractor.
- One licensed mechanical contractor.
- One licensed plumbing contractor.
- One licensed residential builder specializing in new construction.
- One licensed builder specializing in remodeling, renovation, or rehabilitation.
- One contractor specializing in multifamily housing.
- Three registered building officials or inspectors.
- One registered plan reviewer.
- One energy rater or modeler.
- One representative of persons with disabilities.

- One representative of material suppliers or material manufacturers.
- The chief of the building division, or his or her representative, who would serve as a nonvoting member.

Meetings

The bill would require a notice of the time and place of meetings of the advisory committees along with an agenda be posted on LARA's website at least five business days in advance of the meeting. The notice would have to specify the date, time, and place of the meeting. All meetings would have to be held in a place available to the general public. All people would be permitted to attend any meeting. At any such meeting all people desiring to do so would be afforded a reasonable opportunity to present their views on the matters before the advisory committee at that meeting prior to any vote on that matter.

Duties & Responsibilities

Under the bill, using the existing promulgated Michigan code in effect at the time of the review as their base document, the advisory committees would have to review and compare the new edition of their assigned model code to the existing Michigan code as well as considering any proposal submitted for revision or amendment to the newest edition of the model code.

Each advisory committee would have to prepare a report for the Director's consideration. The report would have to be submitted to the Director, and would have to contain the advisory committee's recommendations for changes to the existing Michigan code in effect at the time of the review, including the adoption of any new language or requirements from the latest edition of the relevant model code. Each advisory committee would have to submit its report to the Director within 45 days of completing its deliberations of proposed revisions or amendments. In making its recommendations, the advisory committee would have to consider all of the following:

- The reason for each proposed revision or amendment.
- 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.

Each committee would have to vote publicly and by roll call on each proposed revision or amendment. A majority of those present and casting votes would be needed to approve any revision or amendment. All votes would have to be posted on LARA's website within 48 hours of each meeting.

Other Provisions

The bill would require the Director to consider all submissions and recommendations from the advisory committees; however, the director would have final responsibility for the promulgation of the Code.

Members of the advisory committees could participate in meetings of the advisory committee in person or through use of electronic or telephonic means as determined by the Director.

MCL 125.1504

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Raczowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.