

Act No. 270
Public Acts of 1995
Approved by the Governor
January 7, 1996
Filed with the Secretary of State
January 8, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995**

Introduced by Senators Rogers, Cisky, Bennett, Steil, Gougeon, Stille, Gast, Dunaskiss, Schuette, North, Van Regenmorter, Emmons, McManus, Bouchard and Shugars

ENROLLED SENATE BILL No. 719

AN ACT to amend the title and section 4 of Act No. 230 of the Public Acts of 1972, entitled as amended "An act to create a construction code commission and prescribe its functions; to authorize the commission to promulgate rules with recommendations from each affected board relating to the construction, alteration, demolition, occupancy, and use of buildings and structures; to provide for statewide approval of premanufactured units; to provide for the testing of new devices, materials, and techniques for the construction of buildings and structures; to define the classes of buildings and structures affected by the act; to provide that governmental subdivisions may with exceptions elect not to be subject to certain parts of the act; to provide for administration and enforcement of the act; to create a state construction code fund; to prohibit certain conduct; to establish remedies and sanctions for violations of the act; to repeal certain acts and parts of acts; and to provide an appropriation," section 4 as amended by Act No. 371 of the Public Acts of 1980, being section 125.1504 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. The title and section 4 of Act No. 230 of the Public Acts of 1972, section 4 as amended by Act No. 371 of the Public Acts of 1980, being section 125.1504 of the Michigan Compiled Laws, are amended to read as follows:

TITLE

An act to create a construction code commission and prescribe its functions; to authorize the commission to promulgate rules with recommendations from each affected board relating to the construction, alteration, demolition, occupancy, and use of buildings and structures; to prescribe energy conservation standards for the construction of certain buildings; to provide for statewide approval of premanufactured units; to provide for the testing of new devices, materials, and techniques for the construction of buildings and structures; to define the classes of buildings and structures affected by the act; to provide that governmental subdivisions may with exceptions elect not to be subject to certain parts of the act; to provide for administration and enforcement of the act; to create a state construction code fund; to prohibit certain conduct; to establish remedies and sanctions for violations of the act; to repeal acts and parts of acts; and to provide an appropriation.

Sec. 4. (1) Except as provided in subsection (6), the commission shall prepare and promulgate the state construction code consisting of rules governing the construction, use, and occupation of buildings and structures, including land area incidental to the buildings and structures, the manufacture and installation of building components and equipment, the construction and installation of premanufactured units, the standards and requirements for materials to be used in connection with the units, and other requirements relating to the safety, including safety from fire, and sanitation facilities of the buildings and structures.

(2) The code shall consist of nationally recognized model building codes, other nationally recognized model codes and standards, and amendments, additions, or deletions to the building code or other codes and standards as the commission determines appropriate.

(3) The code shall be designed to effectuate the general purposes of this act and the following objectives and standards:

(a) To provide standards and requirements for construction and construction materials consistent with nationally recognized standards and requirements.

(b) To formulate standards and requirements, to the extent practicable in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability.

(c) To permit to the fullest extent feasible the use of modern technical methods, devices, and improvements, including premanufactured units, consistent with reasonable requirements for the health, safety, and welfare of the occupants and users of buildings and structures.

(d) To eliminate restrictive, obsolete, conflicting, and unnecessary construction regulations that tend to increase construction costs unnecessarily or restrict the use of new materials, products, or methods of construction, or provide preferential treatment to types or classes of materials or products or methods of construction.

(e) To insure adequate maintenance of buildings and structures throughout this state and to adequately protect the health, safety, and welfare of the people.

(f) To provide standards and requirements for cost-effective energy efficiency that will be effective April 1, 1997.

(g) Upon periodic review, to continue to seek ever-improving, cost-effective energy efficiencies.

(h) The development of a voluntary consumer information system relating to energy efficiencies.

(4) The code shall be divided into sections as the commission considers appropriate including, without limitation, building, plumbing, electrical, and mechanical sections. The boards shall participate in and work with the staff of the commission in the preparation of parts relating to their functions. Before the promulgation of an amendment to the code, the boards whose functions relate to that code shall be permitted to draft and recommend to the commission proposed language. The commission shall give consideration to all submissions by the boards. However, the commission has final responsibility for the promulgation of the code.

(5) The code may incorporate the provisions of a code, standard, or other material by reference. The commission shall add, amend, and rescind rules to update the code not less than once every 3 years to coincide with the national code change cycle.

(6) Until March 31, 1997, or until the adoption of changes to the code under subsection (3)(f), the standards for energy conservation in the construction of a building envelope shall be those set forth in Standards 90A-1980 or 90B-1975, as applicable, published by the American society of heating, refrigerating and air-conditioning engineers, incorporated, except for section 1.6 of 90A-1980. It is intended that the model energy code contained in rules promulgated by the commission be rescinded on the effective date of this subsection.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.