



# HOUSE BILL No. 5442

February 24, 2000, Introduced by Reps. Cherry, DeRossett, Switalski, Lockwood, Bogardus, Hale, Basham, Frank, Julian, Toy, Tabor, Gilbert, Mortimer, Schermesser, Neumann, Brewer, Rison, Mans, O'Neil, Minore, Jamnick, Clark, Rivet and Dennis and referred to the Committee on Employment Relations, Training and Safety.

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 thereto, 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 the superintendent of public instruction, the state fire marshal, architects, engineers and school board members with respect thereto; to prescribe penalties for the violation of this act; and to repeal all acts and parts of acts, general, local and special, inconsistent with or contrary to the provisions of this act,"

by amending the title and section 1 (MCL 388.851) and by adding section 1b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

TITLE

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

1 public or private school buildings or additions ~~thereto~~ TO SUCH  
2 BUILDINGS, by regulating the construction, reconstruction, and  
3 remodeling of buildings leased or acquired for school purposes,  
4 and to define the class of buildings affected by this act; to  
5 prescribe the powers and duties of ~~the superintendent of public~~  
6 ~~instruction, the state fire marshal, architects, engineers and~~  
7 ~~school board members with respect thereto~~ CERTAIN STATE AGENCIES  
8 AND OFFICIALS; to prescribe penalties for the violation of this  
9 act; and to repeal ~~all acts and parts of acts, general, local~~  
10 ~~and special, inconsistent with or contrary to the provisions of~~  
11 ~~this act~~ ACTS AND PARTS OF ACTS.

12       Sec. 1. ~~No~~ A school building, public or private, or ANY  
13 additions, ~~thereto,~~ shall NOT be erected, remodeled, or recon-  
14 structed in ~~the~~ THIS state except ~~it be~~ in conformity with  
15 ALL OF the following provisions:

16       (a) All plans and specifications for buildings shall be pre-  
17 pared by, and the construction supervised by, an architect or  
18 engineer who is registered in ~~the~~ THIS state AND THE PLANS AND  
19 SPECIFICATIONS SHALL BE REVIEWED AND APPROVED BY THE STATE FIRE  
20 MARSHAL, OR THE APPROPRIATE MUNICIPAL OFFICIAL, RELATIVE TO FAC-  
21 TORS CONCERNING FIRE SAFETY. ~~of Michigan. Before the construc=~~  
22 ~~tion, reconstruction or remodeling of any school building or~~  
23 ~~addition thereto is commenced, the written approval of the plans~~  
24 ~~and specifications by the superintendent of public instruction or~~  
25 ~~his authorized agent shall be obtained. The superintendent of~~  
26 ~~public instruction or his authorized agent shall not issue such~~  
27 ~~approval until he has secured in writing the approval of the~~

~~1 state fire marshal, or the appropriate municipal official when  
2 certification as described in section 3 has been made, relative  
3 to factors concerning fire safety and of the health department  
4 having jurisdiction relative to factors affecting water supply,  
5 sanitation and food handling.~~

~~6 The superintendent of public instruction shall publish an  
7 informative bulletin which shall set forth good school building  
8 planning procedures and interpret clearly the provisions of this  
9 act. The bulletin shall be prepared in cooperation with the  
10 state fire marshal and the state health commissioner and, insofar  
11 as requirements for approval of plans are concerned, shall be  
12 consistent with recognized good practice as evidenced by stan-  
13 dards adopted by nationally recognized authorities in the fields  
14 of fire protection and health.~~

15 (b) All walls, floors, partitions, and roofs shall be con-  
16 structed of fire-resisting materials such as stone, brick, tile,  
17 concrete, gypsum, steel, or similar fire-resisting material. All  
18 steel members shall be protected by at least 3/4 of an inch of  
19 fire-resisting material.

20 (c) ~~No wood~~ WOOD lath or wood furring shall NOT be used IN  
21 THE CONSTRUCTION. These regulations shall not be construed as  
22 prohibiting the use of finished wood flooring, wood door and  
23 window frames, wood sash, or wood furring and grounds, for the  
24 purpose of installing wood trim, panelling, acoustical units, or  
25 similar facing materials on masonry walls, structural steel, or  
26 concrete ceiling members.

1 (d) Every room enclosing a heating unit shall be enclosed by  
2 walls of fire-resisting materials and shall be equipped with  
3 automatically closing fire doors. ~~and said~~ ALL heating ~~unit~~  
4 UNITS shall not be located directly beneath any portion of a  
5 school building or addition ~~thereto which~~ THAT is constructed  
6 or reconstructed after ~~the effective date of this act~~ JULY 1,  
7 2000. This regulation shall not be construed to require the  
8 removal of an existing heating plant from beneath an existing  
9 building when an addition to ~~such~~ THE building is constructed  
10 unless ~~the state superintendent of public instruction or his~~  
11 ~~authorized agent, acting jointly with the state fire marshal,~~  
12 ~~shall so require~~ THE DEPARTMENT OR THE STATE FIRE MARSHAL  
13 REQUIRES SUCH REMOVAL in the interests of the public safety. In  
14 any school where natural gas or any other kind of gas is used for  
15 heating purposes, the gas shall be chemically treated before  
16 being used in such a manner as to give a very distinguishable  
17 odor if any leak should develop in the heating system.

18 (e) In gymnasiums, fire-proofings may be omitted from the  
19 trusses and purlins if they are more than 16 feet off the main  
20 floor level.

21 (F) The architect or engineer shall provide adequate exits  
22 from all parts of school buildings. In all cases, there shall be  
23 at least 2 stairways and the distance from the door of any class  
24 or assembly room to a stairway or exit shall not exceed 100  
25 feet.

26 (G) ~~(f)~~ Provisions in subdivisions (b) to (e) may be  
27 waived in writing by the state fire marshal OR THE DEPARTMENT.

1 (H) IN COMPLIANCE WITH SECTION 1B.

2 SEC. 1B. (1) EXCEPT AS PROVIDED IN SUBSECTION (4), THE  
3 DEPARTMENT IS RESPONSIBLE FOR THE ADMINISTRATION AND ENFORCEMENT  
4 OF THIS ACT AND THE STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUC-  
5 TION CODE ACT, 1972 PA 230, MCL 125.1501 TO 125.1531, IN EACH  
6 SCHOOL BUILDING IN THIS STATE.

7 (2) EXCEPT AS PROVIDED IN SUBSECTION (4), A SCHOOL BUILDING  
8 SHALL NOT BE CONSTRUCTED, REMODELED, OR RECONSTRUCTED IN THIS  
9 STATE AFTER JULY 1, 2000 UNTIL WRITTEN APPROVAL OF THE PLANS AND  
10 SPECIFICATIONS IS OBTAINED FROM THE DEPARTMENT INDICATING THAT  
11 THE SCHOOL BUILDING WILL BE DESIGNED AND CONSTRUCTED IN CON-  
12 FORMANCE WITH THE CODE. THIS SUBSECTION DOES NOT APPLY TO ANY  
13 SCHOOL BUILDING FOR WHICH CONSTRUCTION HAS COMMENCED BEFORE JULY  
14 1, 2000.

15 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), THE DEPARTMENT  
16 SHALL PERFORM FOR SCHOOL BUILDINGS ALL PLAN REVIEWS WITHIN 60  
17 DAYS FROM THE DATE THE PLANS ARE FILED AND INSPECTIONS WITHIN 5  
18 BUSINESS DAYS AS REQUIRED BY THE CODE AND SHALL BE THE ENFORCING  
19 AGENCY FOR THIS ACT.

20 (4) THE DEPARTMENT SHALL DELEGATE THE RESPONSIBILITY FOR THE  
21 ADMINISTRATION AND ENFORCEMENT OF THIS ACT TO THE APPLICABLE  
22 AGENCY IF BOTH THE SCHOOL BOARD AND THE GOVERNING BODY OF THE  
23 GOVERNMENTAL SUBDIVISION HAVE ANNUALLY CERTIFIED TO THE DEPART-  
24 MENT, IN A MANNER PRESCRIBED BY THE DEPARTMENT, THAT FULL-TIME  
25 CODE OFFICIALS, INSPECTORS, AND PLAN REVIEWERS REGISTERED UNDER  
26 THE BUILDING OFFICIALS AND INSPECTORS REGISTRATION ACT, 1986 PA

1 54, MCL 338.2301 TO 338.2313, WILL CONDUCT PLAN REVIEWS AND  
2 INSPECTIONS OF SCHOOL BUILDINGS.

3 (5) AS USED IN THIS SECTION:

4 (A) "CODE" MEANS THE STATE CONSTRUCTION CODE PROVIDED FOR IN  
5 THE STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT,  
6 1972 PA 230, MCL 125.1501 TO 125.1531.

7 (B) "CONSTRUCTION" MEANS THE CONSTRUCTION, ERECTION, RECON-  
8 STRUCTION, ALTERATION, CONVERSION, DEMOLITION, REPAIR, MOVING, OR  
9 EQUIPPING OF A BUILDING OR STRUCTURE.

10 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF CONSUMER AND INDUS-  
11 TRY SERVICES.

12 Enacting section 1. This amendatory act does not take  
13 effect until January 1, 2001.