

HOUSE BILL No. 5293

January 26, 2012, Introduced by Rep. Meadows and referred to the Committee on Education.

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 the title and sections 1b and 5a (MCL 388.851b and 388.855a), the title as amended by 2002 PA 628 and sections 1b and 5a as amended by 2006 PA 199, and by adding section 3a.

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~~

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1 **REGULATE** the construction, reconstruction, and remodeling of
 2 certain public or private school buildings or additions to such
 3 buildings; ~~by regulating~~ **TO REGULATE** the construction,
 4 reconstruction, and remodeling of buildings leased or acquired for
 5 school purposes; ~~and~~ **TO PROVIDE FOR INSPECTIONS OF SCHOOL**
 6 **BUILDINGS**; to define the class of buildings affected by this act;
 7 to prescribe the powers and duties of certain state agencies and
 8 officials; to prescribe penalties for the violation of this act;
 9 and to repeal acts and parts of acts.

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

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

24 (3) ~~Responsibility for inspections~~ **INSPECTIONS** of school
 25 buildings shall be ~~determined~~ **PERFORMED** by 1 of the following:
 26 ~~methods:~~

27 (a) ~~By an~~ **AN** independent third party. **FOR INSPECTIONS IN**

1 **CONJUNCTION WITH THE CONSTRUCTION, REMODELING, OR RECONSTRUCTION OF**
2 **A SCHOOL BUILDING, THE INDEPENDENT THIRD PARTY SHALL BE** designated
3 in the contract governing the construction, remodeling, or
4 reconstruction. ~~of a school building.~~ The independent third party
5 ~~shall be~~ **IS** responsible for all **SUCH** inspections required to ~~insure~~
6 **ENSURE** compliance with the code. The school authority shall verify
7 that the independent third party ~~named~~ is knowledgeable about
8 construction practices and codes and is otherwise qualified to
9 conduct the inspections. The **SCHOOL AUTHORITY SHALL SUBMIT TO THE**
10 **DEPARTMENT THE** name of the independent third party to be
11 responsible for conducting inspections. ~~shall be submitted to the~~
12 ~~department~~ **FOR INSPECTIONS IN CONJUNCTION WITH THE CONSTRUCTION,**
13 **REMODELING, OR RECONSTRUCTION OF A SCHOOL BUILDING, THE NAME OF THE**
14 **INDEPENDENT THIRD PARTY SHALL BE SUBMITTED** with the plans and
15 specifications required by subsection (2). If the department
16 determines that the independent third party is not qualified to
17 conduct the inspections or is not an independent third party, it
18 shall disapprove of the designation and notify the school
19 authority. All inspection reports prepared by the person designated
20 by the school authority under this subdivision shall be sent to the
21 department upon completion of the inspection. The department may
22 return the report for further work if there are questions relating
23 to the scope of the inspection or whether the **SCHOOL BUILDING OR**
24 **THE** construction, remodeling, or reconstruction meets the
25 requirements of the code.

26 (b) If ~~a designation of an independent third party is not made~~
27 **DESIGNATED** as required under subdivision (a), ~~the inspections~~

1 ~~required to insure compliance with the code will be performed by~~
 2 the department or **AN APPLICABLE AGENCY** as provided under subsection
 3 (5).

4 (4) Except as provided in subsection (5), the department shall
 5 ~~perform~~ **DO ALL OF THE FOLLOWING:**

6 (A) **PERFORM ALL PLAN REVIEWS** for school buildings ~~all plan~~
 7 ~~reviews~~ within 60 days ~~from~~ **AFTER** the date the plans are filed. ~~or~~
 8 **IF THE DEPARTMENT FAILS TO TIMELY REVIEW PLANS, THE PLANS ARE**
 9 considered approved. ~~and~~

10 (B) **SUBJECT TO SUBSECTION (3) (B), PERFORM** inspections within 5
 11 business days as required by the code. ~~and shall be~~

12 (C) **BE** the 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 registered under the building
 19 officials and inspectors registration act, 1986 PA 54, MCL 338.2301
 20 to 338.2313, will conduct plan reviews and inspections of school
 21 buildings.

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

1 prevention code, 1941 PA 207, MCL 29.1 to ~~29.34.~~**29.33.** A
 2 certificate of occupancy shall not be issued by the appropriate
 3 code enforcement agency until a certificate of ~~approval~~**COMPLIANCE**
 4 has been issued under the fire prevention code, 1941 PA 207, MCL
 5 29.1 to ~~29.34.~~**29.33.**

6 (7) This section applies to construction, remodeling, or
 7 reconstruction of school buildings that are covered by bond issues
 8 that were approved by the department of treasury after July 1,
 9 2003. Construction, remodeling, or reconstruction of school
 10 buildings that are covered by bond issues approved before July 1,
 11 2003 shall submit the plans and specifications to the department
 12 for approval under section 1. The department shall not grant
 13 approval until it has received the certification described in
 14 section 3 relative to fire safety and from the appropriate health
 15 department relative to water supply, sanitation, and food handling.

16 (8) As used in this section:

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

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

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

25 **SEC. 3A. (1) A SCHOOL AUTHORITY SHALL ENSURE THAT EACH SCHOOL**
 26 **BUILDING UNDER ITS CONTROL IS INSPECTED FOR COMPLIANCE WITH THE**
 27 **CODE BY JULY 1, 2014 AND ONCE EVERY 5 YEARS THEREAFTER. INSPECTIONS**

1 UNDER THIS SECTION SHALL BE PERFORMED AS PROVIDED UNDER SECTION
2 1B(3).

3 (2) IF AN INSPECTION UNDER THIS SECTION DISCLOSES A VIOLATION
4 OF THE CODE, THE SCHOOL AUTHORITY SHALL CORRECT THE VIOLATION
5 WITHIN A REASONABLE TIME.

6 (3) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO THE SAME
7 SANCTIONS AS PROVIDED IN SECTION 2(3).

8 (4) AS USED IN THIS SECTION, "CODE" MEANS THAT TERM AS DEFINED
9 IN SECTION 1B.

10 Sec. 5a. (1) Except as provided in this section, this act does
11 not apply to 1-story school buildings, to 1-story additions to
12 school buildings, or to the construction, reconstruction, or
13 remodeling of a school building if the total cost of construction,
14 reconstruction, or remodeling is less than \$15,000.00.

15 (2) Section 1(a) applies to the construction of all school
16 buildings and additions to school buildings regardless of the
17 number of stories of the buildings or additions if the total cost
18 of construction ~~exceeds~~ **IS** \$15,000.00 **OR MORE**.

19 (3) Section 1(d) applies to the construction of all school
20 buildings and additions to school buildings of 1 or more stories
21 regardless of the cost of construction.

22 (4) **SECTION 3A APPLIES TO ALL SCHOOL BUILDINGS.**

23 (5) ~~(4)~~—This act applies to the reconstruction of a school
24 building destroyed or partially destroyed by fire, windstorm, or
25 other catastrophe if more than 50% of the entire building is
26 destroyed. The bureau of fire services created in section 1b of the
27 fire prevention code, 1941 PA 207, MCL 29.1b, acting jointly with

1 the superintendent of public instruction, may require that the
2 damaged portion or the remaining portion of the building, or both,
3 be remodeled or reconstructed in accordance with this act.

4 (6) ~~(5)~~—This act applies to the remodeling of existing school
5 buildings and other buildings to be used for school purposes.

6 (7) ~~(6)~~—An existing building or part of an existing building,
7 regardless of the number of stories or the cost to the school
8 district of the building, that has not been used as a school
9 building shall not be used as a school building unless it is
10 approved by the superintendent of public instruction and the bureau
11 of fire services.

12 (8) ~~(7)~~—If the construction, reconstruction, or remodeling of
13 a school building costs less than \$15,000.00, ~~it is not necessary~~
14 **THE SCHOOL AUTHORITY IS NOT REQUIRED** to employ a registered
15 architect or engineer, but **SHALL SUBMIT** the plans for the building
16 ~~shall be submitted~~ to the bureau of fire services and to the
17 superintendent of public instruction or the superintendent's
18 authorized agent for criticism, suggestions, and approval.