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## BILL ANALYSIS



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Senate Bill 363 (as introduced 4-15-21)  
Sponsor: Senator Kevin Daley  
Committee: Economic and Small Business Development

Date Completed: 4-29-21

**CONTENT**

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

- Require the Director of the Department of Licensing and Regulatory Affairs (LARA) to appoint advisory committees for each of the specific codes that comprise the State Construction Code before promulgation of a new edition of the Code.**
- Prescribe the membership for the advisory committees on the International Building Code, the National Electric Code, the International Energy Conservation Code, the International Existing Building Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code.**
- Require each advisory committee to review and compare the latest edition of the code for which the committee was responsible to the existing Michigan code and to consider any proposal submitted for revision or amendment, among other duties.**
- Specify that the Director would have to consider all submissions and recommendations provided by each advisory committee, but that the Director would have final responsibility for the promulgation of the Code.**

Code Advisory Committees

The Act requires the Director of LARA to prepare and promulgate the State Construction Code consisting of rules governing the construction, use, and occupation of buildings and structures, among other things. The Act requires the Code to consist 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 Act, the Code must be divided into sections as the Director considers appropriate including, without limitation, building, plumbing, electrical, and mechanical sections. The boards must participate in and work with the staff of the director 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 may draft and recommend to the Director proposed language. The Director must consider all submissions by the boards. However, the Director has final responsibility for the promulgation of the code. The bill would delete these provisions.

(The Act defines "boards" as the State Plumbing Board, the Board of Mechanical Rules, the Electrical Administrative Board, and the Barrier Free Design Board.)

Instead, under the bill, subject to a provision that would allow an individual to be appointed to serve on more than one advisory committee, before promulgation of a new edition of the Code, the Director would have to appoint advisory committees for each of the codes. Membership in each of the separate advisory committees would have to be as described below.

The advisory committee for the International Building Code would have to be composed of the following members appointed by the Director:

- Two representatives from the 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 individuals with disabilities.
- One representative of material suppliers or material manufacturers.
- One representative of a labor union or a division of a labor union whose members regularly perform work in the areas governed by the code for which the committee was responsible.
- The Chief of the Building Division or his or her representative who would have to serve as a nonvoting member of the advisory committee.

The advisory committee for the National Electric Code would have to be composed 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.
- One representative of a labor union or a division of a labor union whose members regularly perform work in the area governed by the code for which the committee was responsible.
- The Chief of the Electrical Division or his or her representative who would have to serve as a nonvoting member of the advisory committee.

The advisory committee for the commercial chapters of the International Energy Conservation Code would have to be composed 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 a material suppliers association or a material manufacturers association.
- One expert specializing in energy efficiency.
- One representative of low-income tenants as nominated by the Executive Director of the Michigan State Housing Development Authority (MSHDA).
- One representative of a labor union or a division of a labor union whose members regularly perform work in the areas governed by the code for which the committee was responsible.
- The Director of the Office of Climate and Energy or his or her representative who would have to serve as a nonvoting member of the committee.

(The bill would define "Office of Climate and Energy" as the Office of Climate and Energy of the Department of Environment, Great Lakes, and Energy (DEGLE).)

The advisory committee for the International Existing Building Code would have to be composed 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 individuals 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.
- One representative of a labor union or a division of a labor union whose members regularly perform work in the areas governed by the code for which the committee is responsible.
- The Chief of the Plan Review Division or his or her representative who would have to serve as a nonvoting member of the committee.

The advisory committee for the International Mechanical Code would have to be composed of the following members appointed by the Director:

- One licensed professional mechanical engineer.
- Three licensed mechanical engineers.
- Two registered mechanical inspectors.
- One building owner or manager.
- One representative of material suppliers or material manufacturers.
- One representative of a labor union or a division of a labor union whose members regularly perform work in the areas governed by the code for which the committee was responsible.
- The Chief of the Mechanical Division or his or her representative who would have to serve as a nonvoting member of the committee.

The advisory committee for the International Plumbing Code would have to be composed of the following member 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.

- One representative of a labor union or a division of a labor union whose members regularly perform work in the areas governed by the code for which the committee was responsible.
- The Chief of the plumbing division or his or her representative who would have to serve as a nonvoting member of the committee.

The advisory committee for all chapters of the International Residential Code would have to be composed 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 plumbing contractor.
- One licensed residential builder specializing in new construction.
- One licensed building specializing in remodeling, renovation, or rehabilitation.
- One contractor specializing in multifamily housing.
- One contractor specializing in energy efficiency.
- Three registered building officials or inspectors.
- One registered plan reviewer.
- One energy rater or modeler.
- One representative of individuals with disabilities.
- One representative of a material suppliers association or material manufacturer's association.
- One representative of low-income homeowners and tenants nominated by the Executive Director of the MSHDA.
- One representative of a labor union or a division of a labor union whose members regularly perform work in the areas governed by the code for which the committee was responsible.
- The Chief of the Building Division or his or her representative who would have to serve as a nonvoting member of the committee.
- The Director of the Office of Climate and Energy or his or her representative who would have to serve as a nonvoting member of the advisory committee.

#### Advisory Committee Rules

Under the bill, a notice of the time and place of an advisory committee meeting along with an agenda would have to 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 individuals would be permitted to attend the meeting and all individuals desiring to do so would have to be afforded a reasonable opportunity at the meeting to present their views on the matters before the advisory committee before any vote on that matter.

Under the bill, each advisory committee would have to vote publicly and by roll call on each proposed revision or amendment brought before the committee. Revisions or amendments could be voted on individual or in groups. A majority of committee members present and casting votes would be necessary to approve any revision or amendment. All votes would have to be posted on LARA's website within 48 hours of each meeting.

The bill would allow a member of an advisory committee to participate in an advisory committee meeting in person or through use of electronic or telephone means, as determined by the Director.

### Advisory Committee Duties

The bill would require an advisory committee to review and compare the latest edition of the code for which the committee was responsible to the existing Michigan code and would have to consider any proposal submitted for revision or amendment.

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 committee would have to submit its report to the Director within 45 days after completing its deliberations.

In making recommendations, the bill would require the committee to consider all the following:

- The reason for each proposed revision or amendment.
- The existence of a 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.

The Director would have to consider all submissions and recommendations provided by an advisory committee, but the Director would have final responsibility for the promulgation of the Code.

MCL 125.1504

Legislative Analyst: Tyler VanHuyse

### **FISCAL IMPACT**

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

Fiscal Analyst: Elizabeth Raczkowski

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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.