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CONSTRUCTION CODE AMENDMENTS

House Bill 5076

Sponsor: Rep. George Mans

Committee: Regulatory Reform

Complete to 10-13-00

A SUMMARY OF HOUSE BILL 5076 AS INTRODUCED 11-2-99

Under Public Act 306 of 1937, which regulates the construction, reconstruction, and remodeling of public and private school buildings, the state superintendent of public instruction is required to give written approval of any plans and specifications before a project is begun. The act also requires the state fire marshal to inspect any building at least twice during construction to determine whether the construction complies with the act. In addition, the act specifies that the architect or engineer who prepares the plans and specifications or supervises the construction of a school building is responsible for constructing the building of adequate strength to resist fire and in accordance with the approved plans and specifications. While school buildings are subject to Public Act 306, they are not subject to the State Construction Code Act.

House Bill 5076 would appeal Public Act 306 of 1937 (MCL 388.851 to 388.855a) and place the regulation of school construction within the State Construction Code Act. The bill would amend the State Construction Code Act to define "school building" and to make the director of the Bureau of Construction Codes responsible for the administration and enforcement of the act and the code with regard to school buildings. "School building" would mean a structure in which six or more pupils received instruction. It would also mean a structure owned, leased, or under the control of a public or private K-12 school system or a community college or junior college established under the state constitution or the Revised School Code. A school building would not include a dwelling or a structure owned, leased, or under the control of a college or university described in Sections 4, 5, or 6 of the state constitution.

Currently, a locally adopted code applies to a public or nonpublic school if both the governmental subdivision and the local school authorities concur. The bill would delete this provision. Instead, the Bureau of Construction Codes would have to perform for school buildings all plan reviews and inspections required by the code. The bureau would also be the enforcing agency for the Construction Code Act. After the bill's effective date, a school building could not be constructed, remodeled, or reconstructed without obtaining written approval of the plans and specifications from the bureau indicating that the school building would be designed and constructed in conformance with the code. This provision would not pertain to a school building that began a construction project before the bill's effective date.

The director of the Bureau of Construction Codes would have to delegate the responsibility for the administration and enforcement of the act to the applicable agency if both the school board and the municipality's governing body had annually certified to the Construction Code Commission that full-time code officials, inspectors, and plan reviewers registered under the Building Officials

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and Inspectors Registration Act (MCL 338.2301 et al.) would be conducting the plan reviews and inspections of school buildings.

The bill would not affect the responsibilities of the state fire marshal under the Fire Prevention Code (MCL 29.1 et al.)

MCL 125.1502 et al.

Analyst: S. Stutzky

#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.