

**SUBSTITUTE FOR  
HOUSE BILL NO. 5538**

A bill to amend 1937 PA 306, entitled

"An act to promote the safety, welfare, and educational interests of the people of this state by regulating the construction, reconstruction, and remodeling of, and the installation of certain security devices at, certain public or private school buildings or additions to those buildings and by regulating the construction, reconstruction, and remodeling of, and the installation of certain security devices at, buildings leased or acquired for school purposes; 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 sections 1, 1a, and 2 (MCL 388.851, 388.851a, and 388.852), section 1 as amended by 2004 PA 510 and section 2 as amended by 2002 PA 627.

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



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1       Sec. 1. (1) Except as provided in subsection (2), a school  
 2 building, public or private, or any additions to a school building,  
 3 ~~shall~~**must** not be erected,~~constructed or~~ remodeled ~~, or~~  
 4 ~~reconstructed~~ in this state unless all of the following  
 5 requirements are met:

6       (a) All plans and specifications for buildings ~~shall~~**must** be  
 7 prepared by an architect or professional engineer ~~who is licensed~~  
 8 ~~in this state or a design-builder that employs an architect or~~  
 9 **professional engineer and who prepared the plans or specifications.**

10 ~~An~~**Except as otherwise provided in subsection (3), an** architect or  
 11 professional engineer ~~licensed in this state or another person~~  
 12 qualified to supervise construction **or remodeling** shall supervise  
 13 the construction **or remodeling** of a school building. For energy  
 14 conservation improvements and services under section 1274a of the  
 15 revised school code, 1976 PA 451, MCL 380.1274a, the ~~licensed~~  
 16 architect, ~~or~~ professional engineer, **or design-builder** may be  
 17 directly affiliated with the qualified provider ~~, as defined under~~  
 18 ~~that section,~~ that is providing the applicable improvements and  
 19 services. ~~However, the~~**The** specifications for the project ~~shall~~  
 20 **must** be generic in character and, to the extent possible, ~~shall~~  
 21 **must** not include proprietary equipment or technology developed by  
 22 the qualified provider or in which the qualified provider has an  
 23 interest.

24       (b) All walls, floors, partitions, and roofs ~~shall~~**must** be  
 25 constructed of fire-resisting materials such as stone, brick, tile,  
 26 concrete, gypsum, steel, or similar fire-resisting material. All  
 27 steel members ~~shall~~**must** be protected by at least 3/4 of an inch of  
 28 fire-resisting material.

29       (c) Wood lath or wood furring ~~shall~~**must** not be used in the



1 construction. This requirement does not prohibit the use of  
 2 finished wood flooring, wood door and window frames, wood sash, or  
 3 wood furring and grounds, for the purpose of installing wood trim,  
 4 panelling, acoustical units, or similar facing materials on masonry  
 5 walls, structural steel, or concrete ceiling members.

6 (d) ~~Every~~ **A** room enclosing a heating unit ~~shall~~ **must** be  
 7 enclosed by walls of fire-resisting materials and ~~shall be~~ equipped  
 8 with automatically closing fire doors. A heating unit ~~shall~~ **must**  
 9 not be located directly beneath any portion of a school building or  
 10 addition that is constructed ~~or reconstructed~~ after January 1,  
 11 2003. This requirement does not require the removal of an existing  
 12 heating plant from beneath an existing building when an addition to  
 13 the building is constructed unless the department requires that  
 14 removal in the interests of ~~the~~ public safety. In any school where  
 15 natural gas or any other kind of gas is used for heating purposes,  
 16 **before its use**, the gas ~~shall~~ **must** be chemically treated ~~before~~  
 17 ~~being used~~ in such a manner as to give a very distinguishable odor  
 18 if a leak develops in the heating system.

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

22 (f) The architect, ~~or the professional~~ engineer, **or a design-**  
 23 **builder described in subsection (1)(a)** shall provide adequate exits  
 24 from all parts of a school building. In all cases, there ~~shall~~ **must**  
 25 be at least 2 stairways and the distance from the door of any ~~class~~  
 26 **classroom** or assembly room to a stairway or exit ~~shall~~ **must** not  
 27 exceed 100 feet.

28 (g) A requirement in subdivisions (b) to (f) may be waived in  
 29 writing by the department.



(h) Compliance with section 1b.

(2) The director of the department shall promulgate rules that establish standards and requirements for the relocation and reuse of used modular classrooms. The rules ~~shall~~**must** require an inspection of ~~a~~**the** relocated used modular classroom at its original location, at its new location, or at any location where repairs are made to the used modular classroom.

(3) **Subject to subsection (1), a design-builder that employs an architect or a professional engineer may construct or remodel a school building, or any additions to the school building, if that architect or professional engineer directly supervises all of the following:**

(a) **The construction or remodeling of the school building.**

(b) **The review of the materials used in the construction or remodeling of the school building.**

(c) **The review of the completed phases of the construction or remodeling of the school building.**

(4) ~~(3)~~As used in this section: ~~,"department"~~

(a) **"Department"** means the department of ~~labor and economic growth~~**licensing and regulatory affairs.**

(b) **"Qualified provider"** means that term as defined in section 1274a of the revised school code, 1976 PA 451, MCL 380.1274a.

~~Sec. 1a. (1) Words and phrases used in this act shall be defined as follows:~~**As used in this act:**

(a) ~~"School buildings" shall include all buildings used for school purposes.~~**"Addition"** means added space that results in additional cubic contents to an existing school building.

(b) **"Architect or professional engineer"** means an architect or professional engineer licensed under article 20 of the occupational



1 code, 1980 PA 299, MCL 339.2001 to 339.2014.

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

5 (d) "Design-build construction services" means a project  
6 delivery method that meets all of the following requirements:

7 (i) A school district engages the services of a design-criteria  
8 developer to prepare a design-criteria package for the school  
9 district for a design-build project.

10 (ii) A school district contracts with a single individual or  
11 entity for both design services and construction services.

12 (iii) Design and construction of the project is either of the  
13 following:

14 (A) Sequential, with the entire design complete before  
15 construction commences.

16 (B) Concurrent, with the design produced in 2 or more phases  
17 and construction of some phases commencing before the entire design  
18 is complete.

19 (iv) Selection is a single-phase selection using price and  
20 qualification to determine best value.

21 (e) "Design-builder" means an entity that provides design-  
22 build construction services.

23 (f) "Design-criteria developer" means an individual who meets  
24 both of the following requirements:

25 (i) Is a licensed architect in this state.

26 (ii) Is responsible for preparing a design-criteria package.

27 (g) "Design-criteria package" means a set of documents that  
28 provides sufficient information to permit a design-criteria  
29 developer to prepare a proposal in response to a school district's



1 **request for proposals.**

2 (h) ~~(b)~~ "Remodeling" ~~shall mean~~ **means** the alteration,  
3 construction, or remodeling of partitions, hallways, stairways, and  
4 means of egress, **and** the replacement, relocation, or reconstruction  
5 of **an electrical system, or** heating, ventilating, and sanitary  
6 equipment.

7 ~~(c) "Addition" shall mean added space which results in~~  
8 ~~additional cubic contents to existing building.~~

9 (i) **"School building" means a building used for school**  
10 **purposes.**

11 (j) ~~(d)~~ "Total cost" ~~shall be interpreted to mean~~ **means** the  
12 monetary worth of the building when ready for occupancy, regardless  
13 of the source of funds, labor, or material, and ~~shall include~~  
14 **includes** the cost of general construction, plumbing, heating and  
15 ventilation, electrical work, all fixed equipment, ~~together with~~  
16 **and** the cost of architects, engineers, and building superintending  
17 services.

18 (2) ~~(e)~~ A building ~~having~~ **that has** a basement ~~shall be~~ **is**  
19 considered to be a 2 story building for the purposes of this act.

20 Sec. 2. (1) The ~~licensed architect, or~~ **professional** engineer,  
21 **or design-builder described in section 1(1)(a)** preparing the plans  
22 and specifications of a school building is responsible for assuring  
23 that the design documents provide for a structure with sufficient  
24 structural strength and fire resistance and that the building will  
25 meet all applicable codes, standards, and regulations.

26 (2) The person supervising the construction of a school  
27 building is responsible for the construction of the school building  
28 in conformance with the approved plans and specifications prepared  
29 by the ~~licensed architect, or~~ **professional** engineer, **or design-**



1 **builder described in section 1(1) (a) .**

2 (3) A person that violates this section is subject to all of  
3 the following:

4 (a) A state civil infraction punishable by a civil fine of not  
5 more than \$10,000.00.

6 (b) If the person knowingly violated this section, a  
7 misdemeanor punishable by a fine of not more than \$10,000.00 or  
8 imprisonment for not more than 180 days, or both.

