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SFA**BILL ANALYSIS**

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House Bill 5654 (Substitute H-4 as passed by the House)
Sponsor: Representative George Mans
House Committee: Labor and Occupational Safety
Senate Committee: Human Resources, Labor and Veterans Affairs

Date Completed: 11-10-98

CONTENT

The bill would amend the State Construction Code Act to provide that local construction codes would apply to public and nonpublic schools; require that all plans and specifications for school buildings be submitted to the local unit and the Department of Consumer and Industry Services (DCIS); require the plans to be approved under the Fire Prevention Code; provide that the DCIS Director would be responsible for the administration and enforcement of the Act and the Code in each school building; require an architect or engineer to prepare school building construction plans and supervise the construction; and repeal Public Act 306 of 1937, which currently governs the construction, reconstruction, and remodeling of school buildings.

("School building" would mean a structure in which six or more pupils receive instruction; or a structure owned, leased, or under the control of a public or private K to 12 school system or a community college or junior college established under the State Constitution or Revised School Code. "School building" would not include a dwelling unit or a structure owned, leased, or under the control of a college or university.)

Local Codes

Currently, the Act states that locally adopted codes do not apply to public or nonpublic schools without concurrence by the school authorities. The bill would retain this provision but refer to locally adopted codes except for construction codes.

Plan Review

The bill would require all site plans to be submitted for review to the local unit of government where a building was to be located. The local unit could submit recommendations and comments to the governing body of a public or nonpublic school within 30 days from the date the local unit received the plans.

All plans and specifications for school buildings also would have to be submitted to the DCIS. The Bureau of Construction Codes would have to perform for school buildings all plan reviews and inspections required by the State Construction Code and would be the enforcing agency for the Act. A school building could not be constructed, remodeled, or reconstructed in the State after the bill's effective date until written approval of the plans and specifications was obtained from the Bureau of Construction Codes indicating that the school building would be designed and constructed in conformance with the Code. These provisions would not apply to any school building for which construction had commenced before the bill's effective date.

The DCIS Director would have to delegate the responsibility for the administration and enforcement of the Act to the applicable agency if the code officials, inspectors, and plan reviewers registered under the Building Officials and Inspectors Registration Act, who would conduct plan reviews and inspections of school buildings, were determined by the Director to have the necessary experience to perform these duties.

Fire Prevention Code

The bill's provision would not affect the responsibilities of the Department under the Fire Prevention Code. The Bureau of Construction Codes and the Office of Fire Safety in the DCIS would have to develop jointly procedures to use the submitted plans and specifications in carrying out the requirements of the Act and the Fire Prevention Code. A certificate of occupancy could not be issued by the appropriate code enforcement agency until a certificate of approval had been issued under the Fire Prevention Code.

Architect or Engineer

The bill would require that all plans and specifications for an instructional or noninstructional school building be prepared by an architect or professional engineer licensed to practice architecture or professional engineering in the State. The architect or professional engineer would be responsible for designing the building of adequate strength so as to resist fire and for providing plans and specifications that conformed to applicable building and safety code requirements.

The construction of an instructional or noninstructional school building would have to be supervised by an architect or professional engineer licensed to practice architecture or professional engineering in the State or a person considered qualified by the school district if the architect, professional engineer, or other qualified person had specifically been contracted by the school district to supervise, coordinate, and manage all construction activities. A person who contracted with the school district to manage and supervise construction of a school building would be responsible for constructing the building of adequate strength so as to resist fire, and for constructing it in a workmanlike manner, according to the approved plans and specifications.

Repealer

The bill would repeal Public Act 306 of 1937, which regulates the construction, reconstruction, and remodeling of school buildings; requires approval from the Superintendent of Public Instruction; specifies fire prevention and safety inspections; provides architect or engineer responsibilities; and makes it a misdemeanor to violate the Act. The bill also would repeal Section 1263 of the Revised School Code, which prohibits a school board from designing or building a school building to be used for instructional or noninstructional school purposes or from designing and implementing the design for a school site unless the design and construction comply with Public Act 306 of 1937.

MCL 125.1502 et. al

Legislative Analyst: N. Nagata

FISCAL IMPACT

State

This bill would increase the responsibilities of the Department of Consumer and Industry Services, Bureau of Construction Codes, by requiring the Department to conduct inspections, plan reviews, and permitting for construction activities on school buildings. The costs associated with these additional responsibilities would be offset by the additional revenue that would be generated from

the fees charged for providing these services. It is difficult to estimate the amount of revenue that would be generated by this new requirement as this type of regulation is activity-based. Since school construction and renovation are primarily limited to the summer months, the Department could meet the additional responsibilities with limited term staff for which the Legislature already provides adequate spending authority through the Construction Code Flexibility line item; therefore, no additional appropriations would be necessary. Additionally, this bill would allow local governments to conduct these inspections, to ensure compliance with State regulations, which would reduce the impact on the State bureau.

Local

There would be a fiscal impact on local school districts planning new construction projects, as they would incur the additional cost of a structural plan review, inspection, and permit process. The average costs of inspections and permits for a one-story high school building are estimated at nearly \$26,000. Either these costs would be paid out of a district's general operations revenues or the district could pay for these costs from the revenue of bond sales. In either case, it would be the district's responsibility to pay for these costs.

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