

SUBSTITUTE FOR  
HOUSE BILL NO. 5654

A bill to amend 1972 PA 230, entitled  
"State construction code act of 1972,"  
by amending sections 2, 8, and 28 (MCL 125.1502, 125.1508, and  
125.1528), section 2 as amended by 1998 PA 42, section 8 as  
amended by 1994 PA 128, and section 28 as amended by 1996 PA 48,  
and by adding section 8a; and to repeal acts and parts of acts.

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

1       Sec. 2. (1) As used in this act:

2       (a) "Agricultural or agricultural purposes" means of, or  
3       pertaining to, or connected with, or engaged in agriculture or  
4       tillage ~~which~~ THAT is characterized by the act or business of  
5       cultivating or using land and soil for the production of crops  
6       for the use of animals or humans, and includes, but is not  
7       limited to, purposes related to agriculture, farming, dairying,

**HB5654, As Passed House, June 24, 1998**

House Bill No. 5654

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1 pasturage, horticulture, floriculture, viticulture, and animal  
2 and poultry husbandry.

3 (b) "Application for a building permit" means an application  
4 for a building permit submitted to an enforcing agency pursuant  
5 to this act and plans, specifications, surveys, statements, and  
6 other material submitted to the enforcing agency together or in  
7 connection with the application.

8 (c) "Barrier free design" means design complying with legal  
9 requirements for architectural designs ~~which~~ THAT eliminate the  
10 type of barriers and hindrances that deter persons with disabili-  
11 ties from having access to and free mobility in and around a  
12 building or structure.

13 (d) "Board of appeals" means the construction board of  
14 appeals of a governmental subdivision provided for in section  
15 14.

16 (e) "Boards" means the state plumbing and electrical admin-  
17 istrative boards and the barrier free design board created in  
18 ~~section 5 of 1966 PA 1, MCL 125.1355~~ 1966 PA 1, MCL 125.1351 TO  
19 125.1356.

20 (f) "Building" means a combination of materials, whether  
21 portable or fixed, forming a structure affording a facility or  
22 shelter for use or occupancy by persons, animals, or property.  
23 The term does not include a building incidental to the use for  
24 agricultural purposes of the land on which the building is  
25 located if it is not used in the business of retail trade. The  
26 term shall be construed as though followed by the words "or part

1 or parts of the building and all equipment in the building"  
2 unless the context clearly requires a different meaning.

3 (g) "Building envelope" means the elements of a building  
4 ~~which~~ THAT enclose conditioned spaces through which thermal  
5 energy may be transferred to or from the exterior.

6 (h) "Business day" means a day of the year, exclusive of a  
7 Saturday, Sunday, or legal holiday.

8 (i) "Chief elected official" means the chairperson of the  
9 county board of commissioners, the city mayor, the village presi-  
10 dent, or the township supervisor.

11 (j) "Code" means the state construction code provided for in  
12 section 4 or a part thereof of limited application, and includes  
13 a modification of or amendment to the code.

14 (k) "Commission" means the state construction code commis-  
15 sion created by section 3.

16 (l) "Construction" means the construction, erection, recon-  
17 struction, alteration, conversion, demolition, repair, moving, or  
18 equipping of buildings or structures.

19 (m) "Construction regulation" means a law, act, rule, reso-  
20 lution, regulation, ordinance, or code, general or special, or  
21 compilation thereof, heretofore or hereafter enacted or adopted,  
22 by this state or a county, city, village, or township including a  
23 department, board, bureau, commission, or other agency thereof,  
24 relating to the design, construction, or use of buildings and  
25 structures and the installation of equipment in the building or  
26 structure. Construction regulation does not include a zoning

1 ordinance or rule issued pursuant to a zoning ordinance and  
2 related to zoning.

3 (n) "Department" means the department of ~~labor~~ CONSUMER  
4 AND INDUSTRY SERVICES.

5 (o) "Director" means the director of ~~labor~~ CONSUMER AND  
6 INDUSTRY SERVICES or an authorized representative of the  
7 director.

8 (p) "Energy conservation" means the efficient use of energy  
9 by providing building envelopes with high thermal resistance and  
10 low air leakage, and the selection of energy efficient mechani-  
11 cal, electrical service, and illumination systems, equipment,  
12 devices, or apparatus.

13 (q) "Enforcing agency" means the enforcing agency, in  
14 accordance with section 8 or 9, ~~which~~ THAT is responsible for  
15 administration and enforcement of a nationally recognized model  
16 code or this act and the code within a governmental subdivision.  
17 ~~, except~~ EXCEPT for the purposes of section 19 enforcing agency  
18 means the agency in a governmental unit principally responsible  
19 for the administration and enforcement of applicable construction  
20 regulations.

21 (r) "Equipment" means plumbing, heating, electrical, venti-  
22 lating, air conditioning, and refrigerating equipment.

23 (s) "Executive director" means the director of the bureau of  
24 construction codes as set forth under section 7.

25 (t) "Governmental subdivision" means a county, city, vil-  
26 lage, or township ~~which~~ THAT in accordance with section 8 or 9  
27 has assumed responsibility for the administration and enforcement

1 of a nationally recognized model code or this act and the code  
2 within its jurisdiction.

3 (u) "Mobile home" means a vehicular, portable structure  
4 built on a chassis and designed to be used without a permanent  
5 foundation as a dwelling when connected to required utilities and  
6 ~~which~~ THAT is, or is intended to be, attached to the ground, to  
7 another structure, or to a utility system on the same premises  
8 for more than 30 consecutive days.

9 (v) "Other laws and ordinances" means other laws and ordi-  
10 nances, whether enacted by this state or by a county, city, vil-  
11 lage, or township, and the rules issued ~~thereunder~~ UNDER THOSE  
12 LAWS AND ORDINANCES.

13 (w) "Owner" means the owner of the freehold of the premises  
14 or lesser estate in the premises, a mortgagee or vendee in pos-  
15 session, an assignee of rents, receiver, executor, trustee,  
16 lessee, or any other person, sole proprietorship, partnership,  
17 association, or corporation directly or indirectly in control of  
18 a building, structure, or real property or his or her duly autho-  
19 rized agent.

20 (x) "Person with disabilities" means an individual whose  
21 physical characteristics have a particular relationship to that  
22 individual's ability to be self-reliant in the individual's move-  
23 ment throughout and use of the building environment.

24 (y) "Premanufactured unit" means an assembly of materials or  
25 products intended to comprise all or part of a building or struc-  
26 ture, and ~~which~~ THAT is assembled at other than the final  
27 location of the unit of the building or structures by a

1 repetitive process under circumstances intended to insure  
2 uniformity of quality and material content. Premanufactured unit  
3 includes a mobile home.

4 (Z) "SCHOOL BUILDING" MEANS A STRUCTURE IN WHICH 6 OR MORE  
5 PUPILS RECEIVE INSTRUCTION. SCHOOL BUILDING ALSO MEANS A STRUC-  
6 TURE OWNED, LEASED, OR UNDER THE CONTROL OF A PUBLIC OR PRIVATE K  
7 TO 12 SCHOOL SYSTEM OR A COMMUNITY COLLEGE OR JUNIOR COLLEGE  
8 ESTABLISHED UNDER SECTION 7 OF ARTICLE VIII OF THE STATE CONSTI-  
9 TUTION OF 1963 OR PART 25 OF THE REVISED SCHOOL CODE, 1976 PA  
10 451, MCL 380.1601 TO 380.1607. SCHOOL BUILDING DOES NOT INCLUDE  
11 A DWELLING UNIT OR A STRUCTURE OWNED, LEASED, OR UNDER THE CON-  
12 TROL OF A COLLEGE OR UNIVERSITY DESCRIBED IN SECTION 4, 5, OR 6  
13 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963.

14 (AA) ~~-(Z)-~~ "Structure" means that which is built or con-  
15 structed, an edifice or building of any kind, or a piece of work  
16 artificially built up or composed of parts joined together in  
17 some definite manner. Structure does not include a structure  
18 incident to the use for agricultural purposes of the land on  
19 which the structure is located and does not include works of  
20 heavy civil construction including, ~~without limitation~~ BUT NOT  
21 LIMITED TO, a highway, bridge, dam, reservoir, lock, mine,  
22 harbor, dockside port facility, an airport landing facility, and  
23 facilities for the generation, ~~or~~ transmission, or distribution  
24 of electricity. Structure shall be construed as though followed  
25 by the words "or part or parts of the structure and all equipment  
26 in the structure" unless the context clearly indicates  
27 otherwise.

1 (2) Unless the context clearly indicates otherwise,  
2 ~~references~~ A REFERENCE to this act, or to this act and the  
3 code, ~~shall refer to~~ MEANS this act and rules promulgated  
4 ~~pursuant to~~ UNDER this act including the code.

5 Sec. 8. (1) This act and the code apply throughout the  
6 state, except that a governmental subdivision may elect to exempt  
7 itself from certain parts of this act and the code by adopting  
8 and enforcing a nationally recognized model building code or  
9 other nationally recognized model codes. It is not necessary for  
10 a governmental subdivision to elect to exempt itself from every  
11 part of the code promulgated by the commission in order to pre-  
12 serve its exemption election as to 1 or more nationally recog-  
13 nized model codes. A governmental subdivision may make this  
14 election by the passage of an ordinance adopting by reference or  
15 otherwise without amendment a nationally recognized model build-  
16 ing code or other nationally recognized model codes. A county  
17 ordinance adopted pursuant to this act shall be adopted by the  
18 county board of commissioners and shall be signed by the chair-  
19 person of the county board of commissioners and certified by the  
20 county clerk. A governmental subdivision that elects not to be  
21 governed by certain parts of this act and the code shall review  
22 and update its codes by amending its ordinance at least once  
23 every 3 years by adopting without amendment all changes to those  
24 codes and submitting a certified copy of the amended ordinance to  
25 the commission. However, a governmental subdivision adopting  
26 nationally recognized model codes may approve amendments to those  
27 codes by ordinance. The amendments ~~shall become effective~~ TAKE

1 EFFECT 90 days after passage of the ordinance and 90 days after a  
2 certified copy of the ordinance is delivered to the commission,  
3 unless the commission determines after a public hearing that the  
4 codes, as amended, do not adequately protect the health, safety,  
5 or welfare of the people of the governmental subdivision, or that  
6 the amendments ~~tend to~~ unnecessarily increase construction  
7 costs; restrict the use of new materials, products, or methods of  
8 construction; provide preferential treatment to types or classes  
9 of materials, products, or methods of construction; or obstruct  
10 the substantive uniformity of building codes within a region or  
11 locality in the state.

12       (2) Within 10 days after December 30, 1980, the ~~executive~~  
13 director shall provide a notice of intent form to all governmen-  
14 tal subdivisions administering and enforcing a nationally recog-  
15 nized model code. This form shall set forth the date return  
16 receipt is required, which date shall not be less than 60 days  
17 after receipt. The chief elected official of the governmental  
18 subdivision that receives this notice shall indicate on the form  
19 the intention of the governmental subdivision as to whether it  
20 shall continue to administer and enforce its code and transmit  
21 this notice to the ~~executive~~ director within the prescribed  
22 period. If a governmental subdivision fails to submit a notice  
23 of intent to continue to administer and enforce its code within  
24 the date set forth in the notice, the ~~executive~~ director shall  
25 send a notice by registered mail to the clerk of that governmen-  
26 tal subdivision. The registered notice shall indicate that the  
27 governmental subdivision has 15 additional days in which to



1 submit a notice of intent to continue to administer and enforce  
2 its code. If the governmental subdivision does not respond by  
3 the end of the 15 additional days, it shall be conclusively pre-  
4 sumed that the governmental subdivision does not intend to con-  
5 tinue to administer and enforce its code, and the ~~executive~~  
6 director shall assume the responsibility for administering and  
7 enforcing this act and the code in that governmental subdivision,  
8 unless the county within which that governmental subdivision is  
9 located has submitted a notice of intent to continue to adminis-  
10 ter and enforce this act and the code. Governmental subdivisions  
11 may provide by agreement for joint enforcement of another nation-  
12 ally recognized model code adopted ~~pursuant to~~ UNDER subsection  
13 (1).

14 (3) A county that was administering and enforcing this act  
15 and the code ~~pursuant to~~ UNDER section 9(1) on December 30,  
16 1980, and has submitted a notice of intent to continue to admin-  
17 ister and enforce the code to the ~~executive~~ director ~~pursuant~~  
18 ~~to~~ UNDER section 9, after December 30, 1980, may exempt itself  
19 ~~pursuant to~~ UNDER subsection (1) by the passage of an ordinance  
20 adopting by reference or otherwise without amendment a nationally  
21 recognized model building code or other nationally recognized  
22 model codes. However, that action shall not take effect until 90  
23 days after passage of an ordinance to that effect. Before the  
24 effective date of this action and the effective date of the ordi-  
25 nance, a county that proposes to adopt an ordinance to this  
26 effect shall file the proposed ordinance for approval ~~pursuant~~  
27 ~~to~~ UNDER subsection (1) with the commission. The commission

1 shall review the proposed ordinance. If the commission does not  
2 approve or disapprove the proposed ordinance within 90 days after  
3 it is filed with the commission, the proposed ordinance shall be  
4 considered approved unless the county grants the commission addi-  
5 tional time to consider the proposed ordinance. The ~~executive~~  
6 director shall notify a county that elects to exempt itself  
7 ~~pursuant to~~ UNDER subsection (1) of all governmental subdivi-  
8 sions within their jurisdiction that have not submitted a notice  
9 of intent to continue to administer and enforce its code. It is  
10 the responsibility of that county to administer and enforce that  
11 code for all of the governmental subdivisions within the county  
12 that have not submitted a notice of intent to continue to admin-  
13 ister and enforce its code within its jurisdiction. A structure  
14 commenced under an effective code shall be completed under that  
15 code. A county that elects to exempt itself in accordance with  
16 this subsection may exercise the option to administer and enforce  
17 this act and the code ~~pursuant to~~ UNDER section 9(1). However,  
18 the exercise of this election to administer and enforce this act  
19 and the code shall not take effect until 6 months after passage  
20 of an ordinance to that effect.

21 (4) A governmental subdivision that has elected to assume  
22 responsibility for the administration and enforcement of this act  
23 and the code, and has submitted a notice of intent to continue to  
24 administer and enforce the code to the ~~executive~~ director  
25 ~~pursuant to~~ UNDER section 9, after December 30, 1980, may  
26 reverse that election and exempt itself ~~pursuant to~~ UNDER  
27 subsection (1) by the passage of an ordinance adopting by

1 reference or otherwise without amendment a nationally recognized  
2 model building code or other nationally recognized model codes.  
3 However, that action shall not take effect until 90 days after  
4 passage of an ordinance to that effect. Before the effective  
5 date of this action and the effective date of the ordinance, a  
6 governmental subdivision that proposes to adopt an ordinance to  
7 this effect shall file the proposed ordinance for approval  
8 ~~pursuant to~~ UNDER subsection (1) with the commission. The com-  
9 mission shall review the proposed ordinance. If the commission  
10 does not approve or disapprove the proposed ordinance within 90  
11 days after it is filed with the commission, the proposed ordi-  
12 nance shall be considered approved unless the governmental subdi-  
13 vision grants the commission additional time to consider the pro-  
14 posed ordinance. A structure commenced under an effective code  
15 shall be completed under that code. A governmental subdivision  
16 that elects to exempt itself in accordance with this subsection  
17 may exercise the option to make itself subject to this act and  
18 the code ~~pursuant to~~ UNDER section 9(1). However, the exercise  
19 of this election to be subject to this act and the code shall not  
20 take effect until 6 months after passage of an ordinance to that  
21 effect.

22 (5) A governmental subdivision that has elected to exempt  
23 itself ~~pursuant to~~ UNDER subsection (1) may reverse that elec-  
24 tion, making itself subject to the act and the code. However,  
25 that action shall not take effect until 60 days after passage of  
26 an ordinance to that effect. A structure commenced under an  
27 effective code shall be completed under that code. A

1 governmental subdivision that elects to make itself subject to  
2 the code in accordance with this subsection may exercise the  
3 option to exempt itself ~~pursuant to~~ UNDER subsection (1) not  
4 later than 3 years after its administration and enforcement of  
5 the code. ~~However, that~~ THE exemption shall not take effect  
6 until 1 year after passage of an ordinance to that effect.

7       (6) A governmental subdivision that before December 30,  
8 1980, has not administered and enforced either this act and the  
9 code or another nationally recognized model code may elect to  
10 exempt itself from certain parts of this act and the code  
11 ~~pursuant to~~ UNDER subsection (1) by the passage of an ordinance  
12 to that effect. A governmental subdivision that makes this elec-  
13 tion after December 30, 1980 shall submit, in addition to the  
14 ordinance, an application to the commission for approval to  
15 administer and enforce that code within its jurisdiction. This  
16 application shall be made on the proper form ~~to be~~ provided by  
17 the commission. The standards for approval shall include, but  
18 ARE not ~~be~~ limited to, the certification by the governmental  
19 subdivision that the enforcing agency is qualified by experience  
20 or training to administer and enforce that nationally recognized  
21 model code and all related acts and rules, that agency personnel  
22 are provided as necessary, administrative services are provided,  
23 plan review services are provided, and timely field inspection  
24 services shall be provided. The ~~executive~~ director shall seek  
25 additional information if the ~~executive~~ director considers it  
26 necessary. The commission shall render a decision on the  
27 application for approval to administer and enforce that code that

1 has been adopted and transmit its findings to that governmental  
2 subdivision within 90 days of receipt of the application. The  
3 commission shall document its reasons if the commission disap-  
4 proves an application. A governmental subdivision that receives  
5 a disapproval may resubmit its application for approval. Upon  
6 receipt of approval from the commission for the administration  
7 and enforcement of that adopted code, the governmental subdivi-  
8 sion shall administer and enforce that code within its jurisdic-  
9 tion pursuant to the provisions of its approved application.

10 (7) The state construction code ~~or any of its sections~~  
11 shall take effect 6 months after the code's initial  
12 promulgation. The 6-month delay does not apply to rules promul-  
13 gated to implement sections 13a, 13b, 19, and 21 and the require-  
14 ments of barrier free design and energy conservation of this act  
15 and code. A governmental subdivision may not exempt itself from  
16 the requirements of this section ~~—~~ OR section 8A, 9(8) or (10),  
17 ~~or section~~ 9a, 10, 13a, 13b, 14, 15, 20, 21a, 22(1), 23, or  
18 23a. The 6-month delay does not apply to amendments to the code  
19 or any of the code's sections after the initial promulgation. A  
20 governmental subdivision that elects to exempt itself from this  
21 act and the code may do so within 6 months after the promulgation  
22 of the code in the manner provided in subsection (1), except that  
23 any amendments the governmental subdivision adopts at that time  
24 are subject to review by the commission as set forth in subsec-  
25 tion (1) within 120 days after a copy of the adopted amendments  
26 is delivered to the commission by certified mail with return  
27 receipt requested.

1 (8) A governmental subdivision that elects to exempt itself  
2 from certain parts of this act and the code ~~pursuant to~~ UNDER  
3 subsection (1) and is enforcing its code within its jurisdiction  
4 ~~pursuant to~~ UNDER subsection (1) may rescind that ordinance by  
5 which it elected to exempt itself from certain parts of this act  
6 and the code, and transfer the responsibility for the administra-  
7 tion and enforcement of this act and the code within the govern-  
8 mental subdivision to the ~~executive~~ director. The ~~executive~~  
9 director shall assume the responsibility for administering and  
10 enforcing this act and the code in that governmental subdivision,  
11 unless the county within which that governmental subdivision is  
12 located has submitted a notice of intent to continue to adminis-  
13 ter and enforce the code. However, that action shall not take  
14 effect until 12 months after the passage of an ordinance to that  
15 effect. A structure commenced under an effective code shall be  
16 completed under that code.

17 [(9) Locally adopted codes EXCEPT FOR CONSTRUCTION CODES do not  
18 apply to public or nonpublic schools within the governmental  
19 subdivision without concurrence by the school authorities having  
jurisdiction.]

(10) ALL SITE PLANS SHALL BE SUBMITTED FOR REVIEW TO THE LOCAL  
UNIT OF GOVERNMENT WHERE THE BUILDING IS TO BE LOCATED. THE LOCAL  
UNIT OF GOVERNMENT MAY SUBMIT RECOMMENDATIONS AND COMMENTS TO THE  
GOVERNING BODY OF THE PUBLIC OR NONPUBLIC SCHOOL WITHIN 30 DAYS FROM  
THE DATE THE LOCAL UNIT OF GOVERNMENT RECEIVED THE PLANS.]

20 [(11)] ~~-(10)-~~ Sections 8A, 10, 13a, 13b, 19, 21, 21a, and 23a,  
21 subsection ~~-(13)-~~ (12), and other provisions of this act and code  
22 directly relating to the provisions of sections 8A, 10, 13a, 13b,  
23 19, 21, 21a, and 23a, subsection ~~-(13)-~~ (12), and provisions of  
24 the code relating to the requirements of barrier free design,  
25 energy conservation, and, except as provided in subsection ~~-(11)-~~  
26 (10), for plans submitted for approval after January 1, 1994 the  
27 type and number of plumbing fixtures for men and women required

03705'97 (H-4)

2 effective throughout the state without local modifications not-  
3 withstanding the exception of subsections (1) to ~~-(9)-~~ (8). The  
4 standards for premanufactured housing shall not be less than the  
5 standards required for nonpremanufactured housing, except that  
6 mobile homes shall be considered to have complied with this  
7 requirement by compliance with the state code provisions adopting  
8 a nationally recognized mobile home code. As used in this sub-  
9 section, "assembly building" means a theater, sports arena, sta-  
10 dium, food service establishment with or without a liquor  
11 license, exhibition hall, library, recreation center, passenger  
12 terminal, and outdoor assembly structure which includes an out-  
13 door grandstand, bleacher, colosseum, stadium, amusement park  
14 structure, and fair or carnival structure.

15       [(12)] ~~-(11)-~~ With respect to the type and number of plumbing  
16 fixtures required for men and women in an assembly building  
17 ~~pursuant to~~ UNDER subsection ~~-(10)-~~ (9), the ~~executive~~ direc-  
18 tor, in his or her sole discretion, may exempt from the effective  
19 date provision those projects for which plans were near finaliza-  
20 tion before January 1, 1994, but were submitted after that date.

21       [(13)] ~~-(12)-~~ The commission may limit the application of a  
22 part of the code to include or exclude the following:

23       (a) Specified classes or types of buildings or structures,  
24 according to use, or other distinctions as may make differentia-  
25 tion or separate classification or regulation necessary, proper,  
26 or desirable. The commission shall consider the specific  
27 problems of the construction or alteration of a single family,

1 owner-occupied recreational dwelling that is located in a  
2 sparsely populated area and that is to be occupied on a part-time  
3 basis.

4 (b) Specified areas of the state based on size, population  
5 density, special conditions prevailing in the area, or other fac-  
6 tors as may make differentiation or separate classification or  
7 regulation necessary, proper, or desirable.

8 [(14)] ~~-(13)-~~ A building or structure that has baby changing  
9 stations in the women's restrooms shall have baby changing sta-  
10 tions in the men's restrooms.

11 SEC. 8A. (1) ALL PLANS AND SPECIFICATIONS FOR SCHOOL BUILD-  
12 INGS SHALL BE SUBMITTED TO THE DEPARTMENT AND, EXCEPT AS PROVIDED  
13 IN SECTION 8 AND SUBSECTION (3), THE DIRECTOR IS RESPONSIBLE FOR  
14 THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE IN  
15 EACH SCHOOL BUILDING IN THIS STATE.

16 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), THE BUREAU OF CON-  
17 STRUCTION CODES SHALL PERFORM FOR SCHOOL BUILDINGS ALL PLAN  
18 REVIEWS AND INSPECTIONS REQUIRED BY THE CODE AND SHALL BE THE  
19 ENFORCING AGENCY FOR THIS ACT. EXCEPT AS PROVIDED IN  
20 SUBSECTION (3), A SCHOOL BUILDING SHALL NOT BE CONSTRUCTED,  
21 REMODELED, OR RECONSTRUCTED IN THIS STATE AFTER THE EFFECTIVE  
22 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION UNTIL WRITTEN  
23 APPROVAL OF THE PLANS AND SPECIFICATIONS IS OBTAINED FROM THE  
24 BUREAU OF CONSTRUCTION CODES INDICATING THAT THE SCHOOL BUILDING  
25 WILL BE DESIGNED AND CONSTRUCTED IN CONFORMANCE WITH THE CODE.  
26 THIS SUBSECTION DOES NOT APPLY TO ANY SCHOOL BUILDING FOR WHICH



1 CONSTRUCTION HAS COMMENCED BEFORE THE EFFECTIVE DATE OF THE  
2 AMENDATORY ACT THAT ADDED THIS SECTION.

3       (3) THE DIRECTOR SHALL DELEGATE THE RESPONSIBILITY FOR THE  
4 ADMINISTRATION AND ENFORCEMENT OF THIS ACT TO THE APPLICABLE  
5 AGENCY IF THE CODE OFFICIALS, INSPECTORS, AND PLAN REVIEWERS REG-  
6 ISTERED UNDER THE BUILDING OFFICIALS AND INSPECTORS REGISTRATION  
7 ACT, 1986 PA 54, MCL 338.2301 TO 338.2313, WHO WILL CONDUCT PLAN  
8 REVIEWS AND INSPECTIONS OF SCHOOL BUILDINGS ARE DETERMINED BY THE  
9 DIRECTOR TO HAVE THE NECESSARY EXPERIENCE TO PERFORM THESE  
10 DUTIES.

11       (4) THIS SECTION DOES NOT AFFECT THE RESPONSIBILITIES OF THE  
12 DEPARTMENT UNDER THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.1  
13 TO 29.34. THE BUREAU OF CONSTRUCTION CODE AND THE OFFICE OF FIRE  
14 SAFETY IN THE DEPARTMENT SHALL JOINTLY DEVELOP PROCEDURES TO USE  
15 THE PLANS AND SPECIFICATIONS SUBMITTED UNDER SUBSECTION (1) IN  
16 CARRYING OUT THE REQUIREMENTS OF THIS ACT AND THE FIRE PREVENTION  
17 CODE, 1941 PA 207, MCL 29.1 TO 29.34.

18       (5) A CERTIFICATE OF OCCUPANCY SHALL NOT BE ISSUED BY THE  
19 APPROPRIATE CODE ENFORCEMENT AGENCY UNTIL A CERTIFICATE OF  
20 APPROVAL HAS BEEN ISSUED UNDER THE FIRE PREVENTION CODE, 1941 PA  
21 207, MCL 29.1 TO 29.34.

22       (6) ALL PLANS AND SPECIFICATIONS FOR AN INSTRUCTIONAL OR  
23 NONINSTRUCTIONAL SCHOOL BUILDING SHALL BE PREPARED BY AN ARCHI-  
24 TECT OR PROFESSIONAL ENGINEER LICENSED TO PRACTICE ARCHITECTURE  
25 OR PROFESSIONAL ENGINEERING IN THIS STATE. THE ARCHITECT OR PRO-  
26 FESSIONAL ENGINEER PREPARING PLANS AND SPECIFICATIONS OF AN  
27 INSTRUCTIONAL OR NONINSTRUCTIONAL SCHOOL BUILDING SHALL BE

**HB5654, As Passed House, June 24, 1998**

House Bill No. 5654

18

1 RESPONSIBLE FOR DESIGNING THE BUILDING OF ADEQUATE STRENGTH SO AS  
2 TO RESIST FIRE AND FOR PROVIDING PLANS AND SPECIFICATIONS WHICH  
3 CONFORM TO APPLICABLE BUILDING AND SAFETY CODE REQUIREMENTS.

4 (7) CONSTRUCTION OF AN INSTRUCTIONAL OR NONINSTRUCTIONAL  
5 SCHOOL BUILDING SHALL BE SUPERVISED BY AN ARCHITECT OR PROFES-  
6 SIONAL ENGINEER LICENSED TO PRACTICE ARCHITECTURE OR PROFESSIONAL  
7 ENGINEERING IN THIS STATE OR A PERSON CONSIDERED QUALIFIED BY THE  
8 SCHOOL DISTRICT IF THE ARCHITECT, PROFESSIONAL ENGINEER, OR OTHER  
9 QUALIFIED PERSON HAS SPECIFICALLY BEEN CONTRACTED BY THE SCHOOL  
10 DISTRICT TO SUPERVISE, COORDINATE, AND MANAGE ALL CONSTRUCTION  
11 ACTIVITIES. A PERSON WHO CONTRACTS WITH THE SCHOOL DISTRICT TO  
12 MANAGE AND SUPERVISE CONSTRUCTION OF AN INSTRUCTIONAL OR NONIN-  
13 STRUCTIONAL SCHOOL BUILDING IS RESPONSIBLE FOR CONSTRUCTING THOSE  
14 BUILDINGS OF ADEQUATE STRENGTH SO AS TO RESIST FIRE, AND FOR CON-  
15 STRUCTING THOSE BUILDINGS IN A WORKMANLIKE MANNER, ACCORDING TO  
16 THE APPROVED PLANS AND SPECIFICATIONS.

17 Sec. 28. (1) Any provision of section 34 of ~~Act No. 18 of~~  
18 ~~the Public Acts of the Extra Session of 1933, being section~~  
19 ~~125.684 of the Michigan Compiled Laws; Act No. 266 of the Public~~  
20 ~~Acts of 1929, being sections 338.901 to 338.917 of the Michigan~~  
21 ~~Compiled Laws; Act No. 222 of the Public Acts of 1901, being sec-~~  
22 ~~tions 338.951 to 338.965 of the Michigan Compiled Laws the elec-~~  
23 ~~trical administrative act, Act No. 217 of the Public Acts of~~  
24 ~~1956, being sections 338.881 to 338.892 of the Michigan Compiled~~  
25 ~~Laws~~ 1933 (EX SESS) PA 18, MCL 125.684; 1929 PA 266, MCL 338.901  
26 TO 338.917; 1901 PA 222, MCL 338.951 TO 338.965; THE ELECTRICAL  
27 ADMINISTRATIVE ACT, 1956 PA 217, 338.881 TO 338.892; and any

1 other public act of this state ~~which~~ THAT is inconsistent or  
2 ~~in conflict~~ CONFLICTS with this act is superseded to the extent  
3 of the inconsistency or conflict.

4       (2) This act shall not be construed to repeal, amend, super-  
5 sede, or otherwise affect the powers and duties presently exer-  
6 cised under part 55 ~~(air pollution)~~ of the natural resources  
7 and environmental protection act, ~~Act No. 451 of the Public Acts~~  
8 ~~of 1994, being sections 324.5501 to 324.5542 of the Michigan~~  
9 ~~Compiled Laws; part 124 of Act No. 368 of the Public Acts of~~  
10 ~~1978, being sections 333.12401 to 333.12434 of the Michigan~~  
11 ~~Compiled Laws; the Michigan occupational safety and health act,~~  
12 ~~Act No. 154 of the Public Acts of 1974, being sections 408.1001~~  
13 ~~to 408.1094 of the Michigan Compiled Laws; the boiler act of~~  
14 ~~1965, Act No. 290 of the Public Acts of 1965, being sections~~  
15 ~~408.751 to 408.776 of the Michigan Compiled Laws; or Act No. 227~~  
16 ~~of the Public Acts of 1967, being sections 408.801 to 408.824 of~~  
17 ~~the Michigan Compiled Laws. This act shall not be construed to~~  
18 ~~repeal, amend, or otherwise affect Act No. 306 of the Public Acts~~  
19 ~~of 1937, being sections 388.851 to 388.855a of the Michigan~~  
20 ~~Compiled Laws~~ 1994 PA 451, MCL 324.5501 TO 324.5542; PART 124 OF  
21 THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.12401 TO 333.12434;  
22 THE MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT, 1974 PA 154, MCL  
23 408.1001 TO 408.1094; THE BOILER ACT OF 1965, 1965 PA 290, MCL  
24 408.751 TO 408.776; THE FORBES MECHANICAL CONTRACTORS ACT, 1984  
25 PA 192, MCL 338.971 TO 338.988; AND 1967 PA 227, MCL 408.801 TO  
26 408.824.

**HB5654, As Passed House, June 24, 1998**

House Bill No. 5654

20

1 Enacting section 1. (1) Section 1263 of the revised school  
2 code, 1976 PA 451, MCL 380.1263, is repealed.

3 (2) 1937 PA 306, MCL 388.851 to 388.855a, is repealed.