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## SCHOOL CONSTRUCTION

House Bill 4087

Sponsor: Rep. Paula K. Zelenko

Committee: Employment Relations,  
Training and Safety

Complete to 2-8-01

### A SUMMARY OF HOUSE BILL 4087 AS INTRODUCED 1-31-01

Regulation of the construction of public or private school buildings currently falls under the school construction act, Public Act 306 of 1937. The bill would place all public school construction - including the construction, erection, reconstruction, alteration, conversion, demolition, repair, moving, or equipping of a public school building or structure - under both the State Construction Code and the school construction code beginning January 1, 2002.

More specifically, the construction, reconstruction, and remodeling of public and private school buildings is regulated under the school construction act and not under the State Construction Code Act. Currently, before a school building project is begun, the state superintendent of public instruction must give written approval of any plans and specifications. And the superintendent of public instruction is prohibited from issuing plan and specification approval until he or she has secured the written approval of the state fire marshal and the local health department regarding fire safety and water supply, sanitation, and food handling, respectively.

The bill would strike these provisions and add a new section to the school construction act to prohibit (with certain exceptions) the construction, remodeling, or reconstruction of a school building in the state after July 1, 2002, until the Department of Consumer and Industry Services (DCIS) had given written approval of the plans and specifications indicating that the school building would be designed and constructed in conformance with the state construction code. (However, this requirement would not apply to any school building for which construction had begun before July 1, 2002. See also the section below titled "Exception.") The bill also would make DCIS responsible for administering and enforcing both the school construction act and the State Construction Code Act in each school building in the state, with the one exception described below. The DCIS also would be required to perform all plan reviews for school buildings within 60 days from the date the plans were filed, and inspections within five business days (as required by the state construction code). With regard to factors concerning fire safety, the bill also would require that all plans and specifications for school buildings be reviewed and approved by the state fire marshal, or the appropriate municipal official.

Finally, the bill would strike current provisions that require the superintendent of public instruction, in cooperation with the state fire marshal and the "state health commissioner," to publish an "informative bulletin" which sets forth "good school building planning procedures," which ("clearly") interprets the school construction act's provisions, and which ("insofar as requirements for approval of plans are concerned") is "consistent with recognized good practice as evidenced by standards adopted by nationally recognized authorities in the fields of fire prevention and health."

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Exception. The bill would allow one exemption from its requirements. If both the school board and the governing body of the governmental subdivision had annually certified to the DCIS, in a manner prescribed by the department, that full-time code officials, inspectors, and plan reviewers registered under the Building Official and Inspectors Registration Act (Public Act 54 of 1986) would conduct plan reviews and inspections of school buildings, then the department would be required to delegate the responsibility for the administration and enforcement of the act to the applicable agency.

Other provisions. Currently, the school construction act prohibits all heating units from being located directly beneath any portion of a school building or addition that was constructed or reconstructed after the act's effective date, though this regulation cannot be construed to require the removal of an existing heating plant from beneath an existing building when an addition to the building is constructed unless required by the state superintendent of public instruction (or his or her authorized agent), acting jointly with the state fire marshal in the interests of the public safety. The bill would amend this provision of the act to strike reference to the state superintendent of public instruction and instead refer to the Department of Consumer and Industry Services *or* the state fire marshal, and would apply only to school buildings or additions constructed or reconstructed after July 1, 2002.

Effective date. If enacted, the bill would take effect on January 1, 2002.

MCL 388.851 and 388.851b

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■ 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.