

SUBSTITUTE FOR
HOUSE BILL NO. 5102

A bill to amend 1972 PA 230, entitled
"Stille-DeRossett-Hale single state construction code act,"
by amending section 3a (MCL 125.1503a), as amended by 2006 PA 192.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3a. (1) The state construction code commission is created
2 **IN THE DEPARTMENT** and consists of ~~the~~ **ALL OF THE FOLLOWING:**

3 **(A) THE** state fire marshal or an employee of the bureau of
4 fire services created in section 1b of the fire prevention code,
5 1941 PA 207, MCL 29.1b, **WHO IS CERTIFIED AS A FIRE PROTECTION**
6 **SPECIALIST BY THE NATIONAL FIRE PROTECTION ASSOCIATION AND**
7 designated by the state fire marshal. ~~and~~

8 **(B) FOR EACH OF THE BOARDS,** a designee of the ~~chairpersons of~~
9 ~~the barrier free design board, the electrical administrative board,~~
10 ~~the state plumbing board, and the board of mechanical rules, who~~

~~shall be permanent members, and 12~~ **CHAIRPERSON OF THAT BOARD.**

(C) **TWELVE** residents of the state to be appointed by the governor with the advice and consent of the senate. ~~Appointed members of the commission~~ **MEMBERS APPOINTED UNDER THIS SUBDIVISION** shall include ~~1 person~~ **THE FOLLOWING:**

(i) **ONE INDIVIDUAL** from each of the fields of industrial management, architecture, professional engineering, building contracting, organized labor, **AND** premanufactured building. ~~7 and 3 members~~

(ii) **THREE INDIVIDUALS** representing municipal building inspection. ~~7 2 persons~~

(iii) **TWO INDIVIDUALS** from the general public. ~~7 and a~~

(iv) **ONE** licensed residential builder. ~~A member of the commission appointed by the governor before January 1, 2007 shall be appointed for a term of 2 years, except that a vacancy shall be filled for the unexpired portion of the term.~~

(2) A member of the commission appointed by the governor ~~after December 31, 2006~~ shall be appointed for a term of 4 years, except that a vacancy shall be filled for the unexpired portion of the term.

(3) A member of the commission may be removed from office by the governor for inefficiency, neglect of duty, or misconduct or malfeasance in office. A member of the commission who has a pecuniary interest in a matter before the commission shall disclose the interest before the commission takes action in the matter. ~~7 which discloses~~ **THE DISCLOSURE** shall be made a matter of record in ~~its~~ **THE** official proceedings **OF THE COMMISSION**. Each member of

1 the commission, except the state fire marshal or the state fire
2 marshal's designee, shall receive reimbursement for actual expenses
3 incurred by the member in the performance of the duties as a member
4 of the commission, subject to available appropriations.

5 (4) ~~(2)~~—Nine members of the commission constitute a quorum.
6 Except as otherwise provided in the commission's bylaws, action may
7 be taken by the commission by vote of a majority of the members
8 present at a meeting. Meetings of the commission may be called by
9 the chairperson or by 3 members on 10 days' written notice. Not
10 less than 1 meeting shall be held each calendar quarter. A meeting
11 of the commission may be held anywhere in this state.

12 (5) ~~(3)~~—The commission may elect 1 member as vice-chairperson,
13 and other officers as it determines appropriate, for the terms and
14 with the duties and powers as the commission determines. The vice-
15 chairperson and other officers of the commission shall be elected
16 from those members appointed to the commission by the governor.
17 ~~After December 31, 2006, the~~ **THE** governor shall designate a member
18 of the commission to serve as chairperson at the pleasure of the
19 governor.

20 (6) ~~(4)~~—The commission ~~is within the department but~~ shall
21 exercise its statutory functions independently of the director,
22 except that budgeting, personnel, and procurement functions of the
23 commission shall be performed under the direction and supervision
24 of the director. The director has the sole statutory authority to
25 promulgate rules.

26 (7) ~~(5)~~—The business that the commission may perform shall be
27 conducted at a public meeting of the commission held in compliance

1 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
2 Public notice of the time, date, and place of the meeting shall be
3 given in the manner required by the open meetings act, 1976 PA 267,
4 MCL 15.261 to 15.275.

5 (8) ~~(6)~~—A writing prepared, owned, used, in the possession of,
6 or retained by the commission in the performance of an official
7 function shall be made available to the public in compliance with
8 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.