

HOUSE BILL No. 5102

December 1, 2015, Introduced by Reps. Glenn, Cochran, Yanez, Greimel, LaVoy, Lucido and Cox and referred to the Committee on Regulatory Reform.

A bill to amend 1972 PA 230, entitled
"Stille-DeRossett-Hale single state construction code act,"
by amending sections 3a and 4 (MCL 125.1503a and 125.1504), section
3a as amended by 2006 PA 192 and section 4 as amended by 2012 PA
504.

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, designated by the state fire marshal. ~~and a~~

6 **(B) TWO FIRE SERVICE REPRESENTATIVES WITH EXTENSIVE BACKGROUND**
7 **IN FIRE INSPECTION, PLAN REVIEW, AND FIRE PREVENTION TO BE**
8 **APPOINTED BY THE GOVERNOR FROM CANDIDATES RECOMMENDED BY THE STATE**

1 FIRE MARSHAL. THE STATE FIRE MARSHAL SHALL RECOMMEND CANDIDATES TO
 2 THE GOVERNOR FROM INDIVIDUALS RECOMMENDED TO THE STATE FIRE MARSHAL
 3 BY 1 OR MORE STATEWIDE ASSOCIATIONS OF FIRE CHIEFS, FIRE
 4 INSPECTORS, OR FIREMEN.

5 (C) FOR EACH OF THE BOARDS, A designee of the ~~chairpersons of~~
 6 ~~the barrier free design board, the electrical administrative board,~~
 7 ~~the state plumbing board, and the board of mechanical rules, who~~
 8 ~~shall be permanent members, and 12~~ **CHAIRPERSON OF THAT BOARD.**

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

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

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

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

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

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

1 (3) A member of the commission may be removed from office by
2 the governor for inefficiency, neglect of duty, or misconduct or
3 malfeasance in office. A member of the commission who has a
4 pecuniary interest in a matter before the commission shall disclose
5 the interest before the commission takes action in the matter. ~~7~~
6 ~~which disclosures~~ **THE DISCLOSURE** shall be made a matter of record
7 in ~~its~~ **THE** official proceedings **OF THE COMMISSION**. Each member of
8 the commission, except the state fire marshal or the state fire
9 marshal's designee, shall receive reimbursement for actual expenses
10 incurred by the member in the performance of the duties as a member
11 of the commission, subject to available appropriations.

12 (4) ~~(2) Nine~~ **TEN** members of the commission constitute a
13 quorum. Except as otherwise provided in the commission's bylaws,
14 action may be taken by the commission by vote of a majority of the
15 members present at a meeting. Meetings of the commission may be
16 called by the chairperson or by 3 members on 10 days' written
17 notice. Not less than 1 meeting shall be held each calendar
18 quarter. A meeting of the commission may be held anywhere in this
19 state.

20 (5) ~~(3)~~ The commission may elect 1 member as vice-chairperson,
21 and other officers as it determines appropriate, for the terms and
22 with the duties and powers as the commission determines. The vice-
23 chairperson and other officers of the commission shall be elected
24 from those members appointed to the commission by the governor.
25 ~~After December 31, 2006, the~~ **THE** governor shall designate a member
26 of the commission to serve as chairperson at the pleasure of the
27 governor.

1 (6) ~~(4)~~ The commission ~~is within the department but~~ shall
2 exercise its statutory functions independently of the director,
3 except that budgeting, personnel, and procurement functions of the
4 commission shall be performed under the direction and supervision
5 of the director. The director has the sole statutory authority to
6 promulgate rules.

7 (7) ~~(5)~~ The business that the commission may perform shall be
8 conducted at a public meeting of the commission held in compliance
9 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
10 Public notice of the time, date, and place of the meeting shall be
11 given in the manner required by the open meetings act, 1976 PA 267,
12 MCL 15.261 to 15.275.

13 (8) ~~(6)~~ A writing prepared, owned, used, in the possession of,
14 or retained by the commission in the performance of an official
15 function shall be made available to the public in compliance with
16 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

17 Sec. 4. (1) The director shall prepare and promulgate the
18 state construction code consisting of rules governing the
19 construction, use, and occupation of buildings and structures,
20 including land area incidental to the buildings and structures, the
21 manufacture and installation of building components and equipment,
22 the construction and installation of premanufactured units, the
23 standards and requirements for materials to be used in connection
24 with the units, and other requirements relating to the safety,
25 including safety from fire, and sanitation facilities of the
26 buildings and structures.

27 (2) The code shall consist of the ~~international residential~~

~~code, the international building code, the international mechanical code, the international plumbing code, the international existing building code, and the international energy conservation code published by the international code council and the national electrical code published by the national fire prevention association,~~ **"INTERNATIONAL RESIDENTIAL CODE", THE "INTERNATIONAL BUILDING CODE", THE "INTERNATIONAL MECHANICAL CODE", THE "INTERNATIONAL PLUMBING CODE", THE "INTERNATIONAL EXISTING BUILDING CODE", AND THE "INTERNATIONAL ENERGY CONSERVATION CODE" PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND THE "NATIONAL ELECTRICAL CODE" PUBLISHED BY THE NATIONAL FIRE PREVENTION ASSOCIATION,** with amendments, additions, or deletions as the director determines appropriate. The director may adopt all or any part of these codes or the standards contained within these codes by reference.

(3) The code shall be designed to effectuate the general purposes of this act and the following objectives and standards:

(a) To provide standards and requirements for construction and construction materials consistent with nationally recognized standards and requirements.

(b) To formulate standards and requirements, to the extent practicable in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability.

(c) To permit to the fullest extent feasible the use of modern technical methods, devices, and improvements, including premanufactured units, consistent with reasonable requirements for the health, safety, and welfare of the occupants and users of

1 buildings and structures.

2 (d) To eliminate restrictive, obsolete, conflicting, or
3 unnecessary construction regulations that tend to increase
4 construction costs unnecessarily or restrict the use of new
5 materials, products, or methods of construction, or provide
6 preferential treatment to types or classes of materials or products
7 or methods of construction.

8 (e) To ensure adequate maintenance of buildings and structures
9 throughout this state and to adequately protect the **PUBLIC** health,
10 safety, and welfare. ~~of the people.~~

11 (f) To provide standards and requirements for cost-effective
12 energy efficiency. ~~that will be effective April 1, 1997.~~

13 (g) Upon periodic review, to continue to seek ever-improving,
14 cost-effective energy efficiencies.

15 (h) To develop a voluntary consumer information system
16 relating to energy efficiencies.

17 (4) The code shall be divided into sections as the director
18 considers appropriate including, without limitation, building,
19 plumbing, electrical, and mechanical sections. The boards shall
20 participate in and work with the staff of the director in the
21 preparation of parts relating to their functions. Before the
22 promulgation of an amendment to the code, the boards whose
23 functions relate to that code may draft and recommend to the
24 director proposed language. The director shall consider all
25 submissions by the boards. However, the director has final
26 responsibility for the promulgation of the code. **IF THE DIRECTOR,**
27 **PURSUANT TO SECTION 7, APPOINTS AN ADVISORY COMMITTEE TO REVIEW**

1 RECOMMENDATIONS OF ANY OF THE BOARDS UNDER THIS SUBSECTION, THE
2 ADVISORY COMMITTEE SHALL INCLUDE 3 FIRE SERVICE REPRESENTATIVES
3 WITH EXTENSIVE BACKGROUND IN FIRE INSPECTION, PLAN REVIEW, AND FIRE
4 PREVENTION APPOINTED BY THE DIRECTOR FROM CANDIDATES RECOMMENDED BY
5 1 OR MORE STATEWIDE ASSOCIATIONS OF FIRE CHIEFS, FIRE INSPECTORS,
6 OR FIREMEN.

7 (5) The director shall add, amend, and rescind rules to update
8 the Michigan building code, the Michigan mechanical code, the
9 Michigan plumbing code, the Michigan rehabilitation code for
10 existing buildings, the Michigan electrical code, and the
11 commercial chapters of the Michigan energy code not less than once
12 every 3 years to coincide with the national code change cycle.

13 (6) ~~Within 90 days after the effective date of the 2012 act~~
14 ~~that amended this section,~~ **BY JUNE 26, 2013,** the director shall
15 begin the process to add, amend, or rescind rules to update the
16 2009 Michigan residential code, including the residential energy
17 code chapter. Commencing with the 2015 national code change cycle,
18 the director shall add, amend, and rescind rules to simultaneously
19 update all chapters of the Michigan residential code not less
20 frequently than once every 6 years or more frequently than once
21 every 3 years as the director determines is appropriate. Not more
22 than 200 days after the printed publication of the latest edition
23 of the ~~international residential code book~~ **"INTERNATIONAL**
24 **RESIDENTIAL CODE"** is made available to the general public, the
25 director shall hold a public meeting in Lansing and offer persons
26 an opportunity to present data and comments on the general need to
27 update the Michigan residential code. The department shall give 30

1 days' advance notice of a meeting under this subsection on the
2 department's website. Not more than 30 days after the meeting, the
3 director shall issue a written determination whether to update the
4 Michigan residential code. The department shall post notice of the
5 determination on its website for at least 45 days.

6 (7) If the director makes the determination not to update the
7 Michigan residential code, a person may, within 45 days after the
8 determination, request the director to promulgate a rule to amend a
9 section or sections of the Michigan residential code. Within 90
10 days after the filing of a request, the director shall initiate the
11 processing of a rule or shall issue to the requestor a concise
12 written statement of the principal reasons for denial of the
13 request and post the denial statement on the department's website
14 until the Michigan residential code is next updated. The denial of
15 the request is not subject to judicial review.

16 (8) Before the Michigan building code, the Michigan
17 residential code, the Michigan plumbing code, the Michigan
18 mechanical code, the Michigan uniform energy code, and the Michigan
19 rehabilitation code may be enforced, the director shall make each
20 Michigan-specific code available to the general public for at least
21 45 days in printed, electronic, or other form that does not require
22 the user to purchase additional documents or data in any form in
23 order to have an updated complete version of each specific code,
24 excluding other referenced standards within each code. ~~This~~
25 ~~subsection does not apply to any code effective before April 1,~~
26 ~~2005.~~ If the Michigan residential code is updated on a 6-year
27 cycle, then use of a material, product, method of manufacture, or

1 method or manner of construction or installation provided for in an
2 interim edition of the ~~international residential code~~

3 **"INTERNATIONAL RESIDENTIAL CODE"** is authorized throughout this
4 state and shall be permitted, but shall not be mandated, by an
5 enforcing agency or its building official or inspectors. However,
6 the enforcing agency or its building official or inspectors may
7 require that if such a material, product, method of manufacture, or
8 method or manner of construction or installation provided for in an
9 interim edition of the ~~international residential code~~

10 **"INTERNATIONAL RESIDENTIAL CODE"** is used, the use shall comply with
11 all applicable requirements set forth in the interim edition of the
12 ~~international residential code.~~**"INTERNATIONAL RESIDENTIAL CODE"**.

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