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SFA**BILL ANALYSIS**

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Senate Bill 805 (as introduced 10-13-99)
Sponsor: Senator Mike Rogers
Committee: Human Resources, Labor, Senior Citizens and Veterans Affairs

Date Completed: 10-21-99

CONTENT

The bill would amend Public Act 306 of 1937, which regulates the construction, reconstruction, and remodeling of school buildings, to provide that the executive director of the Bureau of Construction Codes within the Department of Consumer and Industry Services would be responsible for the administration and enforcement of the Act and the State Construction Code Act in each school building in Michigan. The bill would delete the current requirement that the Superintendent of Public Instruction approve plans and specifications for school building construction.

The Bureau would have to perform for school buildings all plan reviews and inspections required by the State Construction Code and be the enforcing agency for the Act. A school building could not be constructed, remodeled, or reconstructed in Michigan after the bill's effective date until the Bureau gave written approval of the plans and specifications, indicating that the school building would be designed and constructed in conformance with the Code. This requirement would not apply to any school building for which construction had begun before the bill's effective date.

The director of the Bureau would have to delegate responsibility for the administration and enforcement of the Act, however, to an applicable agency, if both the school board and the governing body of the local unit of government had annually certified to the Construction Code Commission, in a manner prescribed by the Commission, that full-time Code officials, inspectors, and plan reviewers registered under the Building Officials and Inspectors Registration Act would conduct plan reviews and inspections of school buildings.

Public Act 306 specifies that a public or private school building, or any additions to it, may not be erected, remodeled, or reconstructed except in conformity with certain conditions. The first condition is that all plans and specifications for buildings must be prepared by, and the construction supervised by, a Michigan-registered architect or engineer. The bill would delete from that condition a requirement that, before construction, reconstruction or remodeling, written approval of the plans and specifications be obtained from the Superintendent of Public Instruction or the Superintendent's authorized agent. Under the provision to be deleted, the Superintendent may not issue his or her approval until securing, in writing, the approval of the State Fire Marshal or the appropriate municipal official, when certification is made relative to factors concerning fire safety, and the approval of the health department having jurisdiction relative to factors affecting water supply, sanitation, and food handling.

The Act requires that the Superintendent of Public Instruction publish an informative bulletin that sets forth good school building planning procedures and interprets the Act clearly. The bulletin must be prepared in cooperation with the State Fire Marshal and the State Health Commissioner and must be consistent with recognized good practice as evidenced by standards adopted by nationally recognized authorities in the fields of fire protection and health. The bill would delete these requirements.

Another condition that must be met under the Act is that every room enclosing a heating unit be enclosed by walls of fire-resisting materials and equipped with automatically closing fire doors. Heating units may not be located directly beneath any portion of a school building or addition constructed or reconstructed after the Act's effective date. Under the bill, this prohibition would apply to a building or addition constructed or reconstructed after the bill's effective date.

In addition, that Act provides that these heating-unit regulations may not 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 the State Superintendent of Public Instruction or the Superintendent's authorized agent, acting jointly with the State Fire Marshal, requires the relocation. Under the bill, only the Fire Marshal could require relocation.

MCL 388.851 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

Department of Consumer and Industry Services. The bill would eliminate the plan review responsibilities for the Office of Fire Safety (OFS) in the Department of Consumer and Industry Services (DCIS). The elimination of this role could result in a loss of revenue as the OFS currently is authorized to charge a fee for this service. In FY 1998-99, approximately \$1,000,000 in revenue was generated from school districts for plan reviews. Additionally, the Department's Bureau of Construction Codes could increase revenue as this bill would require inspections of all electrical, mechanical, plumbing, and structural systems, plan reviews, and permitting for any construction on school buildings Statewide. Currently, the DCIS conducts approximately 60% of the school building electrical inspections (none in any of the metropolitan areas), 30% of the plumbing inspections, 40% of the mechanical inspections, and no structural inspections. The Department estimates that a \$600,000 increase in the spending authority in the Construction Code flexibility line item would be necessary to fund the additional limited-term staff needed to conduct these inspections. These costs would be offset by the additional restricted revenue that would be generated from the fees charged to school districts for the provision of this service; therefore, no General Fund dollars would be needed to fund this program.

Department of Community Health. The elimination of the Department of Community Health's supply, sanitation, and food handling responsibilities would not affect fee collections as school buildings are exempted from such fees. The decreased number of such inspections could lead indirectly to savings for the Department.

Local Government. Local school districts would experience an indeterminate fiscal impact from this legislation. Currently, school districts pay fees to the OFS for inspection services. Since the bill would eliminate this requirement, districts would experience savings. However, the bill then would require inspections by the Bureau of Construction Codes as outlined above. The fees charged by the Bureau probably would offset the savings from the elimination of fire safety plan reviews. If the fees charged by the Bureau exceeded the savings, local districts would incur additional costs associated with this legislation.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.