

SENATE BILL NO. 363

April 15, 2021, Introduced by Senators DALEY, HORN, BRINKS, SANTANA, CHANG, WOJNO, GEISS, VICTORY, BAYER, MOSS, POLEHANKI, IRWIN, ALEXANDER, BULLOCK, HOLLIER and SCHMIDT and referred to the Committee on Economic and Small Business Development.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) The director shall prepare and promulgate the
2 state construction code consisting of rules governing the
3 construction, use, and occupation of buildings and structures,
4 including land area incidental to the buildings and structures, the
5 manufacture and installation of building components and equipment,

1 the construction and installation of premanufactured units, the
 2 standards and requirements for materials to be used in connection
 3 with the units, and other requirements relating to the safety,
 4 including safety from fire, and sanitation facilities of the
 5 buildings and structures.

6 (2) The code shall consist of the ~~international residential~~
 7 ~~code, the international building code, the international mechanical~~
 8 ~~code, the international plumbing code, the international existing~~
 9 ~~building code, and the international energy conservation code~~
 10 **International Residential Code, the International Building Code,**
 11 **the International Mechanical Code, the International Plumbing Code,**
 12 **the International Existing Building Code, and the International**
 13 **Energy Conservation Code** published by the ~~international code~~
 14 ~~council~~ **International Code Council** and the ~~national electrical code~~
 15 **National Electrical Code** published by the ~~national fire prevention~~
 16 ~~association,~~ **National Fire Protection Association**, with amendments,
 17 additions, or deletions as the director determines appropriate. The
 18 director may adopt all or any part of these codes or the standards
 19 contained within these codes by reference.

20 (3) ~~The code shall be designed~~ **The director shall design the**
 21 **code** to effectuate the general purposes of this act and the
 22 following objectives and standards:

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

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

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

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

12 (e) To ensure adequate maintenance of buildings and structures
13 throughout this state and to adequately protect the health, safety,
14 and welfare of the people.

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

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

19 (h) To develop a voluntary consumer information system
20 relating to energy efficiencies.

21 ~~(4) The code shall be divided into sections as the director~~
22 ~~considers appropriate including, without limitation, building,~~
23 ~~plumbing, electrical, and mechanical sections. The boards shall~~
24 ~~participate in and work with the staff of the director in the~~
25 ~~preparation of parts relating to their functions. Before the~~
26 ~~promulgation of an amendment to the code, the boards whose~~
27 ~~functions relate to that code may draft and recommend to the~~
28 ~~director proposed language. The director shall consider all~~
29 ~~submissions by the boards. However, the director has final~~

1 ~~responsibility for the promulgation of the code.~~ Subject to
2 subsection (5), before promulgation of a new edition of the code
3 described in subsection (2), the director shall appoint advisory
4 committees for each of the codes listed in subsection (2).
5 Membership in each of the separate advisory committees must be as
6 follows:

7 (a) The advisory committee for the International Building Code
8 shall be composed of the following members appointed by the
9 director:

10 (i) Two representatives from fire services.

11 (ii) Two licensed architects.

12 (iii) One registered engineer.

13 (iv) Three registered building officials or inspectors.

14 (v) One registered plan reviewer.

15 (vi) Two commercial contractors.

16 (vii) One multifamily contractor.

17 (viii) Two building owners or managers.

18 (ix) One representative of persons with disabilities.

19 (x) One representative of material suppliers or material
20 manufacturers.

21 (xi) One representative of a labor union or a division of a
22 labor union whose members regularly perform work in the areas
23 governed by the code for which the committee is responsible.

24 (xii) The chief of the building division or his or her
25 representative who shall serve as a nonvoting member of the
26 advisory committee.

27 (b) The advisory committee for the National Electrical Code
28 shall be composed of the following members appointed by the

1 director:

2 (i) One licensed electrical contractor.

3 (ii) One journeyperson electrician.

4 (iii) One master electrician.

5 (iv) Two registered electrical inspectors.

6 (v) One building owner or manager.

7 (vi) One commercial contractor.

8 (vii) One representative of material suppliers or material
9 manufacturers.

10 (viii) One representative of a labor union or a division of a
11 labor union whose members regularly perform work in the areas
12 governed by the code for which the committee is responsible.

13 (ix) The chief of the electrical division or his or her
14 representative who shall serve as a nonvoting member of the
15 advisory committee.

16 (c) The advisory committee for the commercial chapters of the
17 International Energy Conservation Code shall be composed of the
18 following members appointed by the director:

19 (i) One energy rater or modeler.

20 (ii) Three licensed architects.

21 (iii) One registered engineer.

22 (iv) One licensed electrical contractor.

23 (v) One licensed mechanical contractor.

24 (vi) Three registered building officials or inspectors.

25 (vii) One commercial contractor.

26 (viii) One multifamily contractor.

27 (ix) One building owner or manager.

28 (x) One electrical utility representative.

1 (xi) One gas utility representative.

2 (xii) One representative of a material suppliers association or
3 a material manufacturers association.

4 (xiii) One expert specializing in energy efficiency.

5 (xiv) One representative of low-income tenants as nominated by
6 the executive director of the state housing development authority.

7 (xv) One representative of a labor union or a division of a
8 labor union whose members regularly perform work in the areas
9 governed by the code for which the committee is responsible.

10 (xvi) The director of the office of climate and energy or his
11 or her representative who shall serve as a nonvoting member of the
12 committee.

13 (d) The advisory committee for the International Existing
14 Building Code shall be composed of the following members appointed
15 by the director:

16 (i) Two representatives from fire services.

17 (ii) One licensed architect.

18 (iii) One registered engineer.

19 (iv) One licensed electrical contractor.

20 (v) One registered plan reviewer.

21 (vi) Two registered building officials or inspectors.

22 (vii) One representative of persons with disabilities.

23 (viii) One contractor specializing in renovation and
24 rehabilitation of existing buildings.

25 (ix) One building owner or manager.

26 (x) One representative of material suppliers or material
27 manufacturers.

28 (xi) One representative of a labor union or a division of a

1 labor union whose members regularly perform work in the areas
2 governed by the code for which the committee is responsible.

3 (xii) The chief of the plan review division or his or her
4 representative who shall serve as a nonvoting member of the
5 committee.

6 (e) The advisory committee for the International Mechanical
7 Code shall be composed of the following members appointed by the
8 director:

9 (i) One licensed professional mechanical engineer.

10 (ii) Three licensed mechanical contractors.

11 (iii) Two registered mechanical inspectors.

12 (iv) One building owner or manager.

13 (v) One representative of material suppliers or material
14 manufacturers.

15 (vi) One representative of a labor union or a division of a
16 labor union whose members regularly perform work in the areas
17 governed by the code for which the committee is responsible.

18 (vii) The chief of the mechanical division or his or her
19 representative who shall serve as a nonvoting member of the
20 committee.

21 (f) The advisory committee for the International Plumbing Code
22 shall be composed of the following members appointed by the
23 director:

24 (i) Two licensed master plumbers.

25 (ii) Three registered plumbing inspectors.

26 (iii) One building owner or manager.

27 (iv) One plumbing contractor.

28 (v) One representative of material suppliers or material

1 manufacturers.

2 (vi) One representative of a labor union or a division of a
3 labor union whose members regularly perform work in the areas
4 governed by the code for which the committee is responsible.

5 (vii) The chief of the plumbing division or his or her
6 representative who shall serve as a nonvoting member of the
7 committee.

8 (g) The advisory committee for all chapters of the
9 International Residential Code shall be composed of the following
10 members appointed by the director:

11 (i) One licensed architect.

12 (ii) One registered engineer.

13 (iii) One representative from fire services.

14 (iv) One licensed electrical contractor.

15 (v) One licensed mechanical contractor.

16 (vi) One licensed plumbing contractor.

17 (vii) One licensed residential builder specializing in new
18 construction.

19 (viii) One licensed builder specializing in remodeling,
20 renovation, or rehabilitation.

21 (ix) One contractor specializing in multifamily housing.

22 (x) One contractor specializing in energy efficiency.

23 (xi) Three registered building officials or inspectors.

24 (xii) One registered plan reviewer.

25 (xiii) One energy rater or modeler.

26 (xiv) One representative of persons with disabilities.

27 (xv) One representative of a material suppliers association or
28 a material manufacturers association.

1 (xvi) One representative of low-income homeowners and tenants
2 as nominated by the executive director of the state housing
3 development authority.

4 (xvii) One representative of a labor union or a division of a
5 labor union whose members regularly perform work in the areas
6 governed by the code for which the committee is responsible.

7 (xviii) The chief of the building division or his or her
8 representative who shall serve as a nonvoting member of the
9 committee.

10 (xix) The director of the office of climate and energy or his
11 or her representative who shall serve as a nonvoting member of the
12 advisory committee.

13 (5) An individual may be appointed to serve on more than 1
14 advisory committee.

15 (6) A notice of the time and place of an advisory committee
16 meeting along with an agenda must be posted on the department's
17 website at least 5 business days in advance of the meeting. The
18 notice must specify the date, time, and place of the meeting. All
19 meetings must be held in a place available to the general public.
20 All persons are permitted to attend the meeting. All persons
21 desiring to do so shall be afforded a reasonable opportunity at the
22 meeting to present their views on the matters before the advisory
23 committee prior to any vote on that matter.

24 (7) An advisory committee shall review and compare the latest
25 edition of the code for which the committee is responsible to the
26 existing Michigan code and shall consider any proposal submitted
27 for revision or amendment.

28 (8) Each advisory committee shall prepare a report for the
29 director's consideration. The report must be submitted to the

1 director and must contain the advisory committee's recommendations
2 for changes to the existing Michigan code in effect at the time of
3 the review, including the adoption of any new language or
4 requirements from the latest edition of the relevant model code.
5 Each committee shall submit its report to the director not more
6 than 45 days after completing its deliberations of any proposed
7 revisions or amendments. In making its recommendations, the
8 committee shall consider all of the following:

9 (a) The reason for each proposed revision or amendment.

10 (b) The existence of a demonstrated need in Michigan for each
11 proposed revision or amendment.

12 (c) The impact that the revision or amendment may have upon
13 the health, safety, and welfare of the public.

14 (d) The economic reasonableness and financial impact of the
15 revision or amendment.

16 (e) The technical feasibility of the revision or amendment.

17 (9) Each advisory committee shall vote publicly and by roll
18 call on each proposed revision or amendment brought before the
19 committee. Revisions or amendments may be voted on individually or
20 in groups. A majority of committee members present and casting
21 votes are needed to approve any revision or amendment. All votes
22 must be posted on the department's website within 48 hours of each
23 meeting.

24 (10) The director shall consider all submissions and
25 recommendations provided by an advisory committee. However, the
26 director has final responsibility for the promulgation of the code.

27 (11) A member of an advisory committee may participate in an
28 advisory committee meeting in person or through use of electronic
29 or telephonic means, as determined by the director.

1 (12) ~~(5)~~—The director shall add, amend, and rescind rules to
2 update the Michigan building code, the Michigan mechanical code,
3 the Michigan plumbing code, the Michigan rehabilitation code for
4 existing buildings, the Michigan electrical code, and the
5 commercial chapters of the Michigan energy code not less than once
6 every 3 years to coincide with the national code change cycle.

7 (13) ~~(6)~~ ~~Within 90 days after the effective date of the 2012~~
8 ~~act that amended this section,~~ **Not later than June 28, 2013,** the
9 director shall begin the process to add, amend, or rescind rules to
10 update the 2009 Michigan residential code, including the
11 residential energy code chapter. Commencing with the 2015 national
12 code change cycle, the director shall add, amend, and rescind rules
13 to simultaneously update all chapters of the Michigan residential
14 code not less frequently than once every 6 years or more frequently
15 than once every 3 years, ~~as the director determines is appropriate.~~
16 **determined by the director.** Not more than 200 days after the
17 printed publication of the latest edition of the ~~international~~
18 ~~residential code~~ **International Residential Code** book is made
19 available to the general public, the director shall hold a public
20 meeting in Lansing and offer persons an opportunity to present data
21 and comments on the general need to update the Michigan residential
22 code. The department shall give 30 days' advance notice of a
23 meeting under this subsection on the department's website. Not more
24 than 30 days after the meeting, the director shall issue a written
25 determination whether to update the Michigan residential code. The
26 department shall post notice of the determination on its website
27 for at least 45 days.

28 (14) ~~(7)~~—If the director makes the determination not to update
29 the Michigan residential code, a person may, within 45 days after

1 the determination, request the director to promulgate a rule to
 2 amend a section or sections of the Michigan residential code.
 3 Within 90 days after the filing of a request, the director shall
 4 initiate the processing of a rule or ~~shall~~ issue to the requestor a
 5 concise written statement of the principal reasons for denial of
 6 the request and post the denial statement on the department's
 7 website until the Michigan residential code is next updated. The
 8 denial of the request is not subject to judicial review.

9 **(15)** ~~(8)~~ Before the Michigan building code, the Michigan
 10 residential code, the Michigan plumbing code, the Michigan
 11 mechanical code, the Michigan ~~uniform~~ energy code, and the Michigan
 12 rehabilitation code **for existing building** may be enforced, the
 13 director shall make each Michigan-specific code available to the
 14 general public for at least 45 days in printed, electronic, or
 15 other form that does not require the user to purchase additional
 16 documents or data in any form in order to have an updated complete
 17 version of each specific code, excluding other referenced standards
 18 within each code. This subsection does not apply to any code
 19 effective before April 1, 2005. If the Michigan residential code is
 20 updated on a 6-year cycle, then use of a material, product, method
 21 of manufacture, or method or manner of construction or installation
 22 provided for in an interim edition of the ~~international residential~~
 23 ~~code~~ **International Residential Code** is authorized throughout this
 24 state and ~~shall be~~ **is** permitted, but ~~shall~~ **must** not be mandated, by
 25 an enforcing agency or its building official or inspectors.
 26 However, the enforcing agency or its building official or
 27 inspectors may require that if such a material, product, method of
 28 manufacture, or method or manner of construction or installation
 29 provided for in an interim edition of the ~~international residential~~

1 ~~code~~**International Residential Code** is used, the use ~~shall~~**must**
2 comply with all applicable requirements set forth in the interim
3 edition of the ~~international residential code~~**International**
4 **Residential Code**.

5 (16) As used in this section:

6 (a) "Office of climate and energy" means the office of climate
7 and energy of the department of environment, Great Lakes, and
8 energy.

9 (b) "State housing development authority" means the Michigan
10 state housing development authority created under section 21 of the
11 state housing development authority act of 1966, 1966 PA 346, MCL
12 125.1421.