

Legislative Analysis



EXEMPT CERTAIN SCHOOL SPORTS FACILITIES FROM HEATING REQUIREMENTS

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Senate Bill 294 as enrolled
Sponsor: Sen. Dale W. Zorn
1st House Committee: Regulatory Reform
2nd House Committee: Ways and Means
Senate Committee: Regulatory Reform
Complete to 2-6-20

Analysis available at
<http://www.legislature.mi.gov>

(Vetoed by the Governor 2-4-20)

SUMMARY:

Senate Bill 294 would amend the Stille-DeRossett-Hale Single State Construction Code Act (the Michigan Construction Code) to exempt the following for K-12 schools from any heating requirements in the act or the Construction Code:

- An interior space intended for use as a viewing area at an outdoor sporting facility or event that has a total aggregate area of 500 square feet or less, including a press box.
- A building, structure, or room that is incidental to an outdoor sporting activity or event, including a ticket booth, concession stand, participant meeting room, or restroom facility.

If heating were installed in an interior space, building, or structure that was exempted from heating requirements as described above, the heating installed would have to be in full compliance with the act and the Construction Code.

The bill would not apply to an interior space, building, or structure that was an existing interior space, building, or structure on the date the bill took effect.

Proposed MCL 125.1513h

BACKGROUND:

The Michigan Construction Code consists of the International Building Code (IBC) and several other international and national codes relating to the building trades, including the International Mechanical Code. Michigan's Construction Code authorizes the director of the Department of Licensing and Regulatory Affairs (LARA) to adopt all or any part of the international and national building codes or the standards contained within the codes by reference. The International Building Code was updated in 2015, with the provisions taking effect in Michigan on April 20, 2017.

BRIEF DISCUSSION:

According to testimony in the House Committee on Regulatory Reform, the bill was initiated in response to a construction project by the Madison School District to build a

new press box at its football stadium and track.¹ Reportedly, LARA determined that the project was subject to certain requirements of the Construction Code. The school would have to go through an extensive appeals process based on its contention that the structure should not be held to those standards, and school officials have argued that the timeline for that process—or, alternatively, the cost of compliance—is prohibitive. (According to committee testimony, the structure in question is a 3,100 square foot two-story masonry structure that includes restrooms, team rooms, a press box area, and an audiovisual room.)

FISCAL IMPACT:

The bill would have no fiscal impact on the state, but local units of government could realize reduced costs to the extent that they are exempt from requirements in the Stille-DeRossett-Hale Single State Construction Code Act.

Vetoed 2-4-20:

In her veto message, Governor Whitmer wrote that the bill was precipitated by a license denial because of noncompliance with the Construction Code, followed by an appeal to the legislature to allow for an exemption. The Construction Code protects Michiganders from “shoddy construction,” she wrote, and “[l]egislation that makes construction in this state less safe for everyone is not an appropriate response to a single license denial.”

Furthermore, she wrote, “bills like SB 294, which respond to license denials by stripping our departments of regulatory authority, encourage disappointed applicants to ‘appeal’ to the legislature. Such piecemeal legislation undermines the effectiveness of state government.”

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

¹ <https://www.lenconnect.com/news/20190507/zorn-and-kahle-introduce-bills-to-help-madison-school-district>