

**SUBSTITUTE FOR
HOUSE BILL NO. 4603**

A bill to amend 1937 PA 306, entitled

"An act to promote the safety, welfare, and educational interests of the people of this state by regulating the construction, reconstruction, and remodeling of, and the installation of certain security devices at, certain public or private school buildings or additions to those buildings and by regulating the construction, reconstruction, and remodeling of, and the installation of certain security devices at, buildings leased or acquired for school purposes; to define the class of buildings affected by this act; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts,"

by amending sections 1, 1a, and 2 (MCL 388.851, 388.851a, and 388.852), section 1 as amended by 2004 PA 510 and section 2 as amended by 2002 PA 627.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:



1 Sec. 1. (1) ~~Except as provided in subsection (2), a~~ **A** school
2 building, public or private, or any additions to a school building,
3 shall ~~must~~ not be erected, ~~constructed or~~ remodeled, ~~or~~
4 reconstructed in this state unless all of the following
5 requirements are met:

6 ~~(a) All plans and specifications for buildings shall be~~ **are**
7 prepared by ~~an~~ **any of the following:**

8 **(a)** An architect or a professional engineer who is licensed in
9 this state. ~~An architect or professional engineer licensed in this~~
10 ~~state or another person qualified to supervise construction shall~~
11 ~~supervise the construction of a school building. For energy~~
12 ~~conservation improvements and services under section 1274a of the~~
13 ~~revised school code, 1976 PA 451, MCL 380.1274a, the licensed~~
14 ~~architect or professional engineer may be directly affiliated with~~
15 ~~the qualified provider, as defined under that section, that is~~
16 ~~providing the applicable improvements and services. However, the~~
17 ~~specifications for the project shall be generic in character and,~~
18 ~~to the extent possible, shall not include proprietary equipment or~~
19 ~~technology developed by the qualified provider or in which the~~
20 ~~qualified provider has an interest.~~

21 ~~(b) All walls, floors, partitions, and roofs shall be~~
22 ~~constructed of fire resisting materials such as stone, brick, tile,~~
23 ~~concrete, gypsum, steel, or similar fire-resisting material. All~~
24 ~~steel members shall be protected by at least 3/4 of an inch of~~
25 ~~fire-resisting material.~~

26 ~~(c) Wood lath or wood furring shall not be used in the~~
27 ~~construction. This requirement does not prohibit the use of~~
28 ~~finished wood flooring, wood door and window frames, wood sash, or~~
29 ~~wood furring and grounds, for the purpose of installing wood trim,~~



1 ~~panelling, acoustical units, or similar facing materials on masonry~~
 2 ~~walls, structural steel, or concrete ceiling members.~~

3 ~~(d) Every room enclosing a heating unit shall be enclosed by~~
 4 ~~walls of fire-resisting materials and shall be equipped with~~
 5 ~~automatically closing fire doors. A heating unit shall not be~~
 6 ~~located directly beneath any portion of a school building or~~
 7 ~~addition that is constructed or reconstructed after January 1,~~
 8 ~~2003. This requirement does not require the removal of an existing~~
 9 ~~heating plant from beneath an existing building when an addition to~~
 10 ~~the building is constructed unless the department requires that~~
 11 ~~removal in the interests of the public safety. In any school where~~
 12 ~~natural gas or any other kind of gas is used for heating purposes,~~
 13 ~~the gas shall be chemically treated before being used in such a~~
 14 ~~manner as to give a very distinguishable odor if a leak develops in~~
 15 ~~the heating system.~~

16 ~~(e) In a gymnasium, fire-proofings may be omitted from the~~
 17 ~~trusses and purlins if they are more than 16 feet off the main~~
 18 ~~floor level.~~

19 ~~(f) The architect or engineer shall provide adequate exits~~
 20 ~~from all parts of a school building. In all cases, there shall be~~
 21 ~~at least 2 stairways and the distance from the door of any class or~~
 22 ~~assembly room to a stairway or exit shall not exceed 100 feet.~~

23 ~~(g) A requirement in subdivisions (b) to (f) may be waived in~~
 24 ~~writing by the department.~~

25 ~~(h) Compliance with section 1b.~~

26 **(b) An architect or a professional engineer who is licensed in**
 27 **this state working in conjunction with a design-builder that meets**
 28 **any of the following criteria:**

29 **(i) Forms a design-build team. As used in this subdivision,**



1 "design-build team" means a team that consists of a design-build
 2 contractor and an architect or professional engineer who is
 3 licensed in this state.

4 (ii) Is a design-build contractor that meets the licensing
 5 requirements to practice architecture in this state.

6 (2) A school building, or any addition to the school building,
 7 constructed or remodeled in accordance with subsection (1) must
 8 comply with the Stille-DeRosett-Hale single state construction code
 9 act, 1972 PA 230, MCL 125.1501 to 125.1531, and the rules
 10 promulgated under section 4 of the Stille-DeRosett-Hale single
 11 state construction code act, 1972 PA 230, MCL 125.1504.

12 (3) ~~(2)~~The director of the department shall promulgate rules
 13 that establish standards and requirements for the relocation and
 14 reuse of used modular classrooms. The rules shall require an
 15 inspection of a relocated used modular classroom at its original
 16 location, at its new location, or at any location where repairs are
 17 made to the used modular classroom.

18 (4) ~~(3)~~As used in this section, "department" means the
 19 department of ~~labor and economic growth~~**licensing and regulatory**
 20 **affairs**.

21 Sec. 1a. ~~Words and phrases used in this act shall be defined~~
 22 ~~as follows:~~**As used in this act:**

23 (a) ~~"School buildings" shall include all buildings used for~~
 24 ~~school purposes.~~**"Addition" means added space that results in**
 25 **additional cubic contents to an existing school building.**

26 (b) "Construction" means the construction, erection,
 27 reconstruction, alteration, conversion, demolition, repair, moving,
 28 or equipping of buildings or structures.

29 (c) "Design-build construction services" means a project



1 delivery method that meets all of the following requirements:

2 (i) A school district engages the services of a criteria
3 developer, an architect, or a professional engineer who is licensed
4 in this state to do both of the following:

5 (A) Assist the school district in the selection and
6 compensation of a design-build team or design-builder.

7 (B) Provide for the scope of the services of a design-build
8 team or design-builder.

9 (ii) A school district contracts with a single individual or
10 entity for both design services and construction services.

11 (iii) Design and construction of the project is either of the
12 following:

13 (A) Sequential, with the entire design complete before
14 construction commences.

15 (B) Concurrent, with the design produced in 2 or more phases
16 and construction of some phases commencing before the entire design
17 is complete.

18 (iv) Selection is a single-phase selection using price and
19 qualification to determine best value.

20 (d) "Design-builder" means an individual, a partnership, a
21 joint venture, a corporation, or other legal entity that meets both
22 of the following conditions:

23 (i) Furnishes design and general contracting services for a
24 project.

25 (ii) Completes design services in accordance with article 20 of
26 the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014, or
27 through a subcontract with a design firm that complies with article
28 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

29 (e) "Design-criteria developer" means an individual or firm



1 that meets both of the following requirements:

2 (i) Is a licensed architect or a licensed professional engineer
3 in this state.

4 (ii) Is responsible for preparing a design-criteria package,
5 and provides construction inspection services.

6 (f) "Design-criteria package" means a set of documents that
7 provides sufficient information to permit a design-builder to
8 prepare a proposal in response to a school district's request for
9 proposals.

10 (g) ~~(b)~~ "Remodeling" shall ~~mean~~ **means** the alteration,
11 construction, or remodeling of partitions, hallways, stairways, and
12 means of egress, **and** the replacement, relocation, or reconstruction
13 of heating, ventilating, and sanitary equipment.

14 ~~(c)~~ "Addition" shall ~~mean~~ added space which results in
15 additional cubic contents to existing building.

16 (h) "School building" means a building used for school
17 purposes.

18 (i) ~~(d)~~ "Total cost" shall ~~be interpreted to mean~~ **means** the
19 monetary worth of the building when ready for occupancy, regardless
20 of the source of funds, labor, or material and ~~shall include~~
21 **includes** the cost of general construction, plumbing, heating and
22 ventilation, electrical work, all fixed equipment, ~~together with~~
23 **and** the cost of architects, engineers, and building superintending
24 services.

25 ~~(e)~~ A building having a basement shall ~~be considered to be a 2~~
26 ~~story building for the purposes of this act.~~

27 Sec. 2. (1) The ~~licensed~~ architect, ~~or~~ **professional** engineer,
28 **design-build team, or design-builder described in section 1**
29 preparing the plans and specifications of a school building is



1 responsible for assuring that the design documents provide for a
2 structure with sufficient structural strength and fire resistance
3 and that the building will meet all applicable codes, standards,
4 and regulations.

5 (2) The person supervising the construction of a school
6 building is responsible for the construction of the school building
7 in conformance with the approved plans and specifications prepared
8 by the ~~licensed architect, or~~ **professional engineer, design-build**
9 **team, or design-builder described in section 1.**

10 (3) A person that violates this section is subject to all of
11 the following:

12 (a) A state civil infraction punishable by a civil fine of not
13 more than \$10,000.00.

14 (b) If the person knowingly violated this section, a
15 misdemeanor punishable by a fine of not more than \$10,000.00 or
16 imprisonment for not more than 180 days, or both.

