

Legislative Analysis



CREATE BUILDING CODE ADVISORY COMMITTEES

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4648 as introduced
Sponsor: Rep. Joe Tate
Committee: Regulatory Reform
Complete to 6-7-21

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

SUMMARY:

House Bill 4648 would amend the Stille-DeRossett-Hale Single State Construction Code Act to require the director of the Department of Licensing and Regulatory Affairs (LARA), before promulgation of a new edition of a building trades code, to appoint an advisory committee for each building trade. The bill would also prescribe the membership and duties of each trade's advisory committee, require advisory committee meeting notices to be posted online, and require a report of the advisory committee's recommendations for the director's consideration.

The Michigan construction code consists of the International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Existing Building Code, and the International Energy Conservation Code, published by the International Code Council, and also the National Electrical Code, published by the National Fire Prevention Association. Michigan's construction code authorizes the director of LARA to adopt all or any part of the international and national building codes or the standards contained within the codes by reference.

Currently, Michigan's code must be divided into sections as the director considers appropriate (e.g., building, plumbing, electrical, and mechanical sections). The boards¹ are required to work with the director's staff in preparing parts related to their functions. Before an amendment to a code is promulgated, the relevant boards may draft and recommend proposed language to the director. The director must consider all submissions by the boards, but has final responsibility for the promulgation of the code.

The bill would delete this provision and instead would require the director to appoint separate advisory committees for each of the codes described above before promulgation of a new edition of a building trades code. The advisory committees would review the latest edition of their assigned model code, compare it to the existing Michigan code, and consider any proposal submitted for revision or amendment.

Advisory committees

The director would appoint the members of each of seven separate advisory committees as prescribed by the bill. Members would be chosen from fields and associations related to the code the advisory committee is responsible for. However, each committee would have to have one representative of a labor union or division of a labor union whose members

¹ State Plumbing Board, Board of Mechanical Rules, Electrical Administrative Board, and Barrier Free Design Board.

regularly perform work in the areas governed by the applicable code. An individual could serve on more than one advisory committee. The seven advisory committees would be:

- Advisory Committee for the International Building Code.
- Advisory Committee for the National Electrical Code.
- Advisory Committee for the Commercial Chapters of the International Energy Conservation Code.
- Advisory Committee for the International Existing Building Code.
- Advisory Committee for the International Mechanical Code.
- Advisory Committee for the International Plumbing Code.
- Advisory Committee for all chapters of the International Residential Code.

Meetings

A notice of the date, time, and place of an advisory committee's meeting, along with an agenda, would have to be posted on LARA's website at least five business days before the scheduled date. Meetings would have to be held in a place available to the general public, and all persons would be allowed to attend. All persons would have to be afforded a reasonable opportunity to present their views on the matters before the committee before any vote on the matter.

Each advisory committee would have to vote publicly and by roll call on each proposed revision or amendment brought before the committee. Revisions or amendments could be voted on individually or in groups. Approval of a revision or amendment would be by a majority vote of committee members present. All votes would have to be posted on the LARA website within 48 hours of the meeting. Members of an advisory committee could participate in the meetings in person or through the use of electronic means or by telephone as determined by the director.

Report

Each advisory committee would have to prepare and submit a report to the director containing the committee's recommendations for changes to the existing Michigan code in effect at the time of the review. The report would have to include the adoption of any new language or requirements from the latest edition of the relevant model code. A committee would submit its report to the director within 45 days after completing deliberations of any proposed revisions or amendments. In making recommendations, an advisory committee would have to consider the following:

- The reason, and the demonstrated need in Michigan, for each proposed revision or amendment.
- The impact that the revision or amendment could have on the health, safety, and welfare of the public.
- The economic reasonableness and financial impact of the revision or amendment.
- The technical feasibility of the revision or amendment.

All submissions and recommendations from the advisory committees would have to be considered by the director. However, as now, the director would have final responsibility for the promulgation of the code.

MCL 125.1504

BACKGROUND:

The bill is a reintroduction of House Bill 5376 of the 2017-18 legislative session. That bill was passed by the House of Representatives.

FISCAL IMPACT:

A fiscal analysis is in progress.

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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.