

HOUSE BILL No. 6053

June 24, 2004, Introduced by Reps. Huizenga, Gaffney, Wojno, Steil, Stewart, Julian, Hopgood, Lipsey, Meisner, Bieda and Condino and referred to the Committee on Regulatory Reform.

A bill to amend 1972 PA 230, entitled
"Stille-DeRossett-Hale single state construction code act,"
by amending section 2a (MCL 125.1502a), as added by 1999 PA 245,
and by adding section 10a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2a. (1) As used in this act:

2 (a) "Agricultural or agricultural purposes" means of, or
3 pertaining to, or connected with, or engaged in agriculture or
4 tillage which is characterized by the act or business of
5 cultivating or using land and soil for the production of crops
6 for the use of animals or humans, and includes, but is not
7 limited to, purposes related to agriculture, farming, dairying,
8 pasturage, horticulture, floriculture, viticulture, and animal
9 and poultry husbandry.

10 (b) "Application for a building permit" means an application

1 for a building permit submitted to an enforcing agency pursuant
2 to this act and plans, specifications, surveys, statements, and
3 other material submitted to the enforcing agency together or in
4 connection with the application.

5 (c) "Barrier free design" means design complying with legal
6 requirements for architectural designs which eliminate the type
7 of barriers and hindrances that deter persons with disabilities
8 from having access to and free mobility in and around a building
9 or structure.

10 (d) "Board of appeals" means the construction board of
11 appeals of a governmental subdivision provided for in section
12 14.

13 (e) "Boards" means the state plumbing, board of mechanical
14 rules, and electrical administrative boards and the barrier free
15 design board created in section 5 of 1966 PA 1, MCL 125.1355.

16 (f) "Building" means a combination of materials, whether
17 portable or fixed, forming a structure affording a facility or
18 shelter for use or occupancy by persons, animals, or property.
19 Building does not include a building, whether temporary or
20 permanent, incidental to the use for agricultural purposes of the
21 land on which the building is located if it is not used in the
22 business of retail trade. Building includes the meaning "or part
23 or parts of the building and all equipment in the building"
24 unless the context clearly requires a different meaning.

25 (g) "Building envelope" means the elements of a building
26 ~~which~~ **that** enclose conditioned spaces through which thermal
27 energy may be transferred to or from the exterior.

1 (h) "Business day" means a day of the year, exclusive of a
2 Saturday, Sunday, or legal holiday.

3 (i) "Chief elected official" means the chairperson of the
4 county board of commissioners, the city mayor, the village
5 president, or the township supervisor.

6 (j) "Code" means the state construction code provided for in
7 section 4 or a part of that code of limited application and
8 includes a modification of or amendment to the code.

9 (k) "Commission" means the state construction code commission
10 created by section 3.

11 (l) "Construction" means the construction, erection,
12 reconstruction, alteration, conversion, demolition, repair,
13 moving, or equipping of buildings or structures.

14 (m) "Construction regulation" means a law, act, rule,
15 regulation, or code, general or special, or compilation thereof,
16 enacted or adopted before or after January 1, 1973, by this state
17 including a department, board, bureau, commission, or other
18 agency thereof, relating to the design, construction, or use of
19 buildings and structures and the installation of equipment in the
20 building or structure. Construction regulation does not include
21 a zoning ordinance or rule issued pursuant to a zoning ordinance
22 and related to zoning.

23 (n) "Cost-effective", in reference to section 4(3)(f) and
24 (g), means, using the existing energy efficiency standards and
25 requirements as the base of comparison, the economic benefits of
26 the proposed energy efficiency standards and requirements will
27 exceed the economic costs of the requirements of the proposed

1 rules based upon an incremental multiyear analysis. All of the
2 following provisions apply:

3 (i) The analysis shall take into consideration the
4 perspective of a typical first-time home buyer.

5 (ii) The analysis shall consider benefits and costs over a
6 7-year time period.

7 (iii) The analysis shall not assume fuel price increases in
8 excess of the assumed general rate of inflation.

9 (iv) The analysis shall assure that the buyer of a home who
10 qualifies to purchase the home before the addition of the energy
11 efficient standards would still qualify to purchase the same home
12 after the additional cost of the energy-saving construction
13 features.

14 (v) The analysis shall assure that the costs of principal,
15 interest, taxes, insurance, and utilities will not be greater
16 after the inclusion of the proposed cost of the additional
17 energy-saving construction features required by the proposed
18 energy efficiency rules as opposed to the provisions of the
19 existing energy efficiency rules.

20 (o) "Department" means the department of ~~consumer and~~
21 ~~industry services~~ **labor and economic growth**.

22 (p) "Director" means the director of the department or an
23 authorized representative of the director.

24 (q) "Energy conservation" means the efficient use of energy
25 by providing building envelopes with high thermal resistance and
26 low air leakage, and the selection of energy efficient
27 mechanical, electrical service, and illumination systems,

1 equipment, devices, or apparatus.

2 (r) "Enforcing agency" means the enforcing agency, in
3 accordance with section 8a or 8b, which is responsible for
4 administration and enforcement of the code within a governmental
5 subdivision, except for the purposes of section 19 enforcing
6 agency means the agency in a governmental unit principally
7 responsible for the administration and enforcement of applicable
8 construction regulations.

9 (s) "Equipment" means plumbing, heating, electrical,
10 ventilating, air conditioning, and refrigerating equipment.

11 (t) "Governmental subdivision" means a county, city, village,
12 or township which in accordance with section 8 has assumed
13 responsibility for administration and enforcement of this act and
14 the code within its jurisdiction.

15 (u) "Mobile home" means a vehicular, portable structure built
16 on a chassis pursuant to the national manufactured housing
17 construction and safety standards act of 1974, title VI of the
18 housing and community development act of 1974, Public Law 93-383,
19 42 ~~U.S.C.~~ **USC** 5401 to 5426, and designed to be used without a
20 permanent foundation as a dwelling when connected to required
21 utilities and ~~which~~ **that** is, or is intended to be, attached to
22 the ground, to another structure, or to a utility system on the
23 same premises for more than 30 consecutive days.

24 (v) "Other laws and ordinances" means other laws and
25 ordinances whether enacted by this state or by a county, city,
26 village, or township and the rules issued under those laws and
27 ordinances.

1 (w) "Owner" means the owner of the freehold of the premises
2 or lesser estate in the premises, a mortgagee or vendee in
3 possession, an assignee of rents, receiver, executor, trustee,
4 lessee, or any other person, sole proprietorship, partnership,
5 association, or corporation directly or indirectly in control of
6 a building, structure, or real property or his or her duly
7 authorized agent.

8 (x) "Person with disabilities" means an individual whose
9 physical characteristics have a particular relationship to that
10 individual's ability to be self-reliant in the individual's
11 movement throughout and use of the building environment.

12 (y) "Premanufactured unit" means an assembly of materials or
13 products intended to comprise all or part of a building or
14 structure, and ~~which~~ **that** is assembled at other than the final
15 location of the unit of the building or structures by a
16 repetitive process under circumstances intended to insure
17 uniformity of quality and material content. Premanufactured unit
18 includes a mobile home.

19 **(z) "Registered design professional" means an individual**
20 **licensed under article 20 or 28 of the occupational code, 1980 PA**
21 **299, MCL 339.2001 to 339.2014 and 339.2801 to 339.2819.**

22 **(aa) ~~-(z)-~~** "Structure" means that which is built or
23 constructed, an edifice or building of any kind, or a piece of
24 work artificially built up or composed of parts joined together
25 in some definite manner. Structure does not include a structure
26 incident to the use for agricultural purposes of the land on
27 which the structure is located and does not include works of

1 heavy civil construction including, but not limited to, a
2 highway, bridge, dam, reservoir, lock, mine, harbor, dockside
3 port facility, an airport landing facility and facilities for the
4 generation or transmission, or distribution of electricity.
5 Structure includes the meaning "or part or parts of the structure
6 and all equipment in the structure" unless the context clearly
7 requires a different meaning.

8 (2) Unless the context clearly indicates otherwise, a
9 reference to this act, or to this act and the code, means this
10 act and rules promulgated pursuant to this act including the
11 code.

12 Sec. 10a. (1) When required by codes adopted under this
13 act, the construction documents for new construction, alteration,
14 repair, expansion, addition, or modification for buildings or
15 structures shall be prepared by or under the supervision of a
16 registered design professional licensed under article 20 of the
17 occupational code, 1980 PA 299, MCL 339.2001 to 339.2014. The
18 construction documents shall include the name and address of the
19 architect or professional engineer and shall bear that person's
20 original signature, seal, or stamp and the date.

21 (2) Interior design documents may be prepared by an interior
22 designer. When an interior designer signs documents, those
23 documents shall bear that person's seal. This subsection
24 authorizes the issuance of a permit to a qualified interior
25 designer for only those activities as described in the interior
26 design documents.

27 (3) As used in this section:

1 (a) "Interior designer" means that term as defined in section
2 2801 of the occupational code, 1980 PA 299, MCL 339.2801.

3 (b) "Interior design documents" means documents reflecting
4 interior design services.

5 (c) "Interior design services" means that term as defined in
6 section 2801 of the occupational code, 1980 PA 299, MCL 339.2801.

7 Enacting section 1. This amendatory act does not take
8 effect unless Senate Bill No. _____ or House Bill No. 6052
9 (request no. 04171'03) of the 92nd Legislature is enacted into
10 law.