

HOUSE BILL NO. 6151

September 02, 2020, Introduced by Rep. Garza 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 the title and section 2a (MCL 125.1502a), the title as
amended by 1999 PA 245 and section 2a as amended by 2016 PA 409,
and by adding section 27.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 TITLE
- 2 An act to create a construction code commission and prescribe
- 3 its functions; to authorize the director to promulgate rules with



1 recommendations from each affected board relating to the
2 construction, alteration, demolition, occupancy, and use of
3 buildings and structures; to prescribe energy conservation
4 standards for the construction of certain buildings; to provide for
5 statewide approval of premanufactured units; to provide for the
6 testing of new devices, materials, and techniques for the
7 construction of buildings and structures; to define the classes of
8 buildings and structures affected by the act; to provide for
9 administration and enforcement of the act; to create a state
10 construction code fund; to prohibit certain conduct; **to provide**
11 **certain safeguards for certain critical infrastructure workers;** to
12 establish penalties, remedies, and sanctions for violations of the
13 act; to repeal acts and parts of acts; and to provide an
14 appropriation.

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

16 (a) "Agricultural or agricultural purposes" means of, or
17 pertaining to, or connected with, or engaged in agriculture or
18 tillage that is characterized by the act or business of cultivating
19 or using land and soil for the production of crops for the use of
20 animals or humans, and includes, but is not limited to, purposes
21 related to agriculture, farming, dairying, pasturage, horticulture,
22 floriculture, viticulture, and animal and poultry husbandry.

23 (b) "Agricultural product" means a farm product as defined in
24 section 2 of the Michigan right to farm act, 1981 PA 93, MCL
25 286.472.

26 (c) "Application for a building permit" means an application
27 for a building permit submitted to an enforcing agency pursuant to
28 this act and plans, specifications, surveys, statements, and other
29 material submitted to the enforcing agency together or in



1 connection with the application.

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

7 (e) "Board of appeals" means the construction board of appeals
8 of a governmental subdivision provided for in section 14.

9 (f) "Boards" means the state plumbing board created in section
10 13 of former 2002 PA 733, the board of mechanical rules created in
11 section 3 of former 1984 PA 192, the electrical administrative
12 board created in section 2 of former 1956 PA 217, and the barrier
13 free design board created in section 5 of 1966 PA 1, MCL 125.1355.

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

23 (h) "Building envelope" means the elements of a building that
24 enclose conditioned spaces through which thermal energy may be
25 transferred to or from the exterior.

26 (i) "Building official" means an individual who is employed by
27 a governmental subdivision and is charged with the administration
28 and enforcement of the code and who is registered in compliance
29 with article 10 of the skilled trades regulation act, **2016 PA 407**,



1 MCL 339.6001 to 339.6023. This individual may also be an employee
2 of a private organization.

3 (j) "Business day" means a day of the year, exclusive of a
4 Saturday, Sunday, or legal holiday.

5 (k) "Chief elected official" means the chairperson of the
6 county board of commissioners, the city mayor, the village
7 president, or the township supervisor.

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

11 (m) "Commission" means the state construction code commission
12 created by section 3a.

13 (n) "Construction" means the construction, erection,
14 reconstruction, alteration, conversion, demolition, repair, moving,
15 or equipping of buildings or structures.

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

24 (p) "Cost-effective", in reference to section 4(3)(f) and (g),
25 means, using the existing energy efficiency standards and
26 requirements as the base of comparison, the economic benefits of
27 the proposed energy efficiency standards and requirements will
28 exceed the economic costs of the requirements of the proposed rules
29 based upon an incremental multiyear analysis that meets all of the

1 following requirements:

2 (i) Considers the perspective of a typical first-time home
3 buyer.

4 (ii) Considers benefits and costs over a 7-year time period.

5 (iii) Does not assume fuel price increases in excess of the
6 assumed general rate of inflation.

7 (iv) Ensures that the buyer of a home who would qualify to
8 purchase the home before the addition of the energy efficient
9 standards will still qualify to purchase the same home after the
10 additional cost of the energy-saving construction features.

11 (v) Ensures that the costs of principal, interest, taxes,
12 insurance, and utilities will not be greater after the inclusion of
13 the proposed cost of the additional energy-saving construction
14 features required by the proposed energy efficiency rules than
15 under the provisions of the existing energy efficiency rules.

16 (q) **"Critical infrastructure worker" means a worker in the**
17 **construction industry, including a worker in the building trade**
18 **like a plumber, electrician, HVAC technician, or similar worker.**

19 (r) ~~(q)~~—"Department" means the department of licensing and
20 regulatory affairs.

21 (s) ~~(r)~~—"Director" means the director of the department or an
22 authorized representative of the director.

23 (t) ~~(s)~~—"Energy conservation" means the efficient use of
24 energy by providing building envelopes with high thermal resistance
25 and low air leakage, and the selection of energy efficient
26 mechanical, electrical service, and illumination systems,
27 equipment, devices, or apparatus.

28 (u) ~~(t)~~—"Enforcing agency" means the governmental agency that,
29 in accordance with section 8a or 8b, is responsible for



1 administration and enforcement of the code within a governmental
2 subdivision. However, for the purposes of section 19, enforcing
3 agency means the agency in a governmental unit principally
4 responsible for the administration and enforcement of applicable
5 construction regulations.

6 (v) ~~(u)~~—"Equipment" means plumbing, heating, electrical,
7 ventilating, air conditioning, and refrigerating equipment.

8 (w) ~~(v)~~—"Governmental subdivision" means a county, city,
9 village, or township that, in accordance with section 8a or 8b, has
10 assumed responsibility for administration and enforcement of this
11 act and the code within its jurisdiction.

12 (x) ~~(w)~~—"Mobile home" means a vehicular, portable structure
13 that meets all of the following requirements:

14 (i) Is built on a chassis pursuant to the national manufactured
15 housing construction and safety standards act of 1974, 42 USC 5401
16 to 5426.

17 (ii) Is designed to be used without a permanent foundation as a
18 dwelling when connected to required utilities.

19 (iii) Is or is intended to be, attached to the ground, to
20 another structure, or to a utility system on the same premises for
21 more than 30 consecutive days.

22 (y) ~~(x)~~—"Other laws and ordinances" means other laws and
23 ordinances whether enacted by this state or by a county, city,
24 village, or township and the rules issued under those laws and
25 ordinances.

26 (z) ~~(y)~~—"Owner" means the owner of the freehold of the
27 premises or lesser estate in the premises, a mortgagee or vendee in
28 possession, an assignee of rents, receiver, executor, trustee, or
29 lessee, or any other person, sole proprietorship, partnership,



1 association, or corporation directly or indirectly in control of a
2 building, structure, or real property or his or her duly authorized
3 agent.

4 (aa) ~~(z)~~—"Person with disabilities" means an individual whose
5 physical characteristics limit that individual's ability to be
6 self-reliant in the individual's movement throughout and use of the
7 building environment.

8 (bb) ~~(aa)~~—"Premanufactured unit" means an assembly of
9 materials or products intended to comprise all or part of a
10 building or structure, and that is assembled at other than the
11 final location of the unit of the building or structure by a
12 repetitive process under circumstances intended to ensure
13 uniformity of quality and material content. Premanufactured unit
14 includes a mobile home.

15 (cc) ~~(bb)~~—"Structure" means that which is built or
16 constructed, an edifice or building of any kind, or a piece of work
17 artificially built up or composed of parts joined together in some
18 definite manner. Structure does not include a structure incident to
19 the use for agricultural purposes of the land on which the
20 structure is located and does not include works of heavy civil
21 construction including, but not limited to, a highway, bridge, dam,
22 reservoir, lock, mine, harbor, dockside port facility, an airport
23 landing facility, and facilities for the generation, transmission,
24 or distribution of electricity. Structure includes a part or parts
25 of the structure and all equipment in the structure unless the
26 context clearly requires a different meaning.

27 (2) Unless the context clearly indicates otherwise, a
28 reference to this act, or to this act and the code, means this act
29 and rules promulgated pursuant to this act including the code.

1 Sec. 27. (1) Notwithstanding any provision of this act to the
2 contrary, during the state of emergency declared under Executive
3 Order No. 2020-151 or any extension of that order, a business or
4 operation in the construction industry must implement a COVID-19
5 control strategy for the protection of critical infrastructure
6 workers that includes all of the following:

7 (a) Administrative control.

8 (b) Access control.

9 (c) Social distancing.

10 (d) Sanitation.

11 (e) Hygiene.

12 (f) Provision of personal protective equipment.

13 (g) Protocols for positive cases of COVID-19.

14 (h) Facility closure.

15 (2) During the state of emergency declared under Executive
16 Order No. 2020-151 or any extension of that order, a business or
17 operation in the construction industry must adhere to all of the
18 following safety protocols:

19 (a) Designate a site-specific supervisor to monitor and
20 oversee the implementation of COVID-19 control strategies developed
21 under subsection (1). The supervisor must remain on-site at all
22 times during construction activities. An on-site critical
23 infrastructure worker may be designated to perform the supervisory
24 role.

25 (b) Conduct a daily entry screening protocol for critical
26 infrastructure workers, contractors, suppliers, and other
27 individuals entering a worksite, including a questionnaire covering
28 symptoms and suspected or confirmed exposure to people with COVID-
29 19 and a temperature screening.



1 (c) Create a dedicated entry point at every worksite for daily
2 screening or, in the alternative, issue stickers or other
3 indicators to critical infrastructure workers to show that they
4 received a screening before entering the worksite on that day.

5 (d) Provide instructions for the distribution of personal
6 protective equipment and designate on-site locations for the
7 disposal of soiled or used masks.

8 (e) Encourage or require the use of work gloves to prevent
9 skin contact with contaminated surfaces.

10 (f) Identify choke points and high-risk areas where critical
11 infrastructure workers are required to stand near one another and
12 control access and use to those areas so that social distancing is
13 maintained.

14 (g) Ensure that there are sufficient hand-washing or hand-
15 sanitizing stations at the worksite to enable easy access by
16 critical infrastructure workers.

17 (h) Notify contractors or owners of any confirmed COVID-19
18 cases among critical infrastructure workers at the worksite.

19 (i) Restrict unnecessary movement between project sites.

20 (j) Adopt protocols to limit the sharing of tools and
21 equipment to the extent possible and to ensure frequent and
22 thorough cleaning and disinfectant of tools, equipment, and
23 frequently touched surfaces.

24 (k) Create protocols for minimizing person to person contact
25 upon delivery of materials to the worksite.

26 (3) As used in this section, "personal protective equipment"
27 means gloves, goggles, face shields, and face masks that are
28 appropriate for the activity being performed.

