

HOUSE BILL No. 4100

January 24, 2013, Introduced by Reps. MacMaster, Lauwers, Pettalia, Daley, Rendon, Victory, Cotter, Kurtz, Kelly and Johnson 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 amended by 2012 PA 103.

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 that is characterized by the act or business of cultivating
5 or using land and soil for the production of crops for the use of
6 animals or humans, and includes, but is not limited to, purposes
7 related to agriculture, farming, dairying, pasturage, horticulture,
8 floriculture, viticulture, and animal and poultry husbandry.

9 (b) "Application for a building permit" means an application
10 for a building permit submitted to an enforcing agency pursuant to
11 this act and plans, specifications, surveys, statements, and other

1 material submitted to the enforcing agency together or in
2 connection with the application.

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

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

10 (e) "Boards" means the state plumbing board created in section
11 13 of the state plumbing act, 2002 PA 733, MCL 338.3523, the board
12 of mechanical rules created in section 3 of the Forbes mechanical
13 contractors act, 1984 PA 192, MCL 338.973, the electrical
14 administrative board created in section 2 of the electrical
15 administrative act, 1956 PA 217, MCL 338.882, and the barrier free
16 design board created in section 5 of 1966 PA 1, MCL 125.1355.

17 (f) "Building" means a combination of materials, whether
18 portable or fixed, forming a structure affording a facility or
19 shelter for use or occupancy by persons, animals, or property.
20 Building does not include a building, whether temporary or
21 permanent, incidental to the use for agricultural purposes of the
22 land on which the building is located if it is not used in the
23 business of retail trade. **BUILDING DOES NOT INCLUDE A TEMPORARY**
24 **ROADSIDE STAND LOCATED ON LAND USED FOR AGRICULTURAL PURPOSES,**
25 **OWNED AND OPERATED BY THE OWNER OF THE LAND, AND USED FOR SEASONAL**
26 **RETAIL TRADE.** Building includes a part or parts of the building and
27 all equipment in the building unless the context clearly requires a

1 different meaning.

2 (g) "Building envelope" means the elements of a building that
3 enclose conditioned spaces through which thermal energy may be
4 transferred to or from the exterior.

5 (h) "Building official" means an individual who is employed by
6 a governmental subdivision and is charged with the administration
7 and enforcement of the code and who is registered in compliance
8 with the building officials and inspectors registration act, 1986
9 PA 54, MCL 338.2301 to 338.2313. This individual may also be an
10 employee of a private organization.

11 (i) "Business day" means a day ~~of the year, exclusive of OTHER~~
12 **THAN** a Saturday, Sunday, or legal holiday.

13 (j) "Chief elected official" means the chairperson of the
14 county board of commissioners, the city mayor, the village
15 president, or the township supervisor.

16 (k) "Code" means the state construction code provided for in
17 section 4 or a part of that code of limited application and
18 includes a modification of or amendment to the code.

19 (l) "Commission" means the state construction code commission
20 created by section 3a.

21 (m) "Construction" means the construction, erection,
22 reconstruction, alteration, conversion, demolition, repair, moving,
23 or equipping of buildings or structures.

24 (n) "Construction regulation" means a law, act, rule,
25 regulation, or code, general or special, or compilation thereof,
26 enacted or adopted by this state including a department, board,
27 bureau, commission, or other agency thereof, relating to the

1 design, construction, or use of buildings and structures and the
2 installation of equipment in ~~the building or structure.~~ **BUILDINGS**
3 **AND STRUCTURES.** Construction regulation does not include a zoning
4 ordinance or rule issued pursuant to a zoning ordinance and related
5 to zoning.

6 (o) "Cost-effective", in reference to section 4(3)(f) and (g),
7 means, using the existing energy efficiency standards and
8 requirements as the base of comparison, the economic benefits of
9 the proposed energy efficiency standards and requirements will
10 exceed the economic costs of the requirements of the proposed rules
11 based upon an incremental multiyear analysis that meets all of the
12 following requirements:

13 (i) Considers the perspective of a typical first-time home
14 buyer.

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

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

18 (iv) Ensures that the buyer of a home who would qualify to
19 purchase the home before the addition of the energy efficient
20 standards will still qualify to purchase the same home after the
21 additional cost of the energy-saving construction features.

22 (v) Ensures that the costs of principal, interest, taxes,
23 insurance, and utilities will not be greater after the inclusion of
24 the proposed cost of the additional energy-saving construction
25 features required by the proposed energy efficiency rules than
26 under the provisions of the existing energy efficiency rules.

27 (p) "Department" means the department of licensing and

1 regulatory affairs.

2 (q) "Director" means the director of the department or an
3 authorized representative of the director.

4 (r) "Energy conservation" means the efficient use of energy by
5 providing building envelopes with high thermal resistance and low
6 air leakage, and the selection of energy efficient mechanical,
7 electrical service, and illumination systems, equipment, devices,
8 or apparatus.

9 (s) "Enforcing agency" means the governmental agency that, in
10 accordance with section 8a or 8b, is responsible for administration
11 and enforcement of the code within a governmental subdivision.
12 However, for the purposes of section 19, enforcing agency means the
13 agency in a governmental unit principally responsible for the
14 administration and enforcement of applicable construction
15 regulations.

16 (t) "Equipment" means plumbing, heating, electrical,
17 ventilating, air conditioning, and refrigerating equipment.

18 (u) "Governmental subdivision" means a county, city, village,
19 or township that, in accordance with section 8a, has assumed
20 responsibility for administration and enforcement of this act and
21 the code within its jurisdiction.

22 (v) "Mobile home" means a vehicular, portable structure that
23 meets all of the following requirements:

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

27 (ii) Is designed to be used without a permanent foundation as a

1 dwelling when connected to required utilities.

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

5 (w) "Other laws and ordinances" means other laws and
6 ordinances whether enacted by this state or by a county, city,
7 village, or township and the rules issued under those laws and
8 ordinances.

9 (x) "Owner" means the owner of the freehold of the premises or
10 lesser estate in the premises, a mortgagee or vendee in possession,
11 an assignee of rents, receiver, executor, trustee, lessee, or any
12 other person, sole proprietorship, partnership, association, or
13 corporation directly or indirectly in control of a building,
14 structure, or real property or his or her duly authorized agent.

15 (y) "Person with disabilities" means an individual whose
16 physical characteristics limit that individual's ability to be
17 self-reliant in the individual's movement throughout and use of the
18 building environment.

19 (z) "Premanufactured unit" means an assembly of materials or
20 products intended to comprise all or part of a building or
21 structure, and that is assembled at other than the final location
22 of the unit of the building or structures by a repetitive process
23 under circumstances intended to ensure uniformity of quality and
24 material content. Premanufactured unit includes a mobile home.

25 (aa) "Structure" means that which is built or constructed, an
26 edifice or building of any kind, or a piece of work artificially
27 built up or composed of parts joined together in some definite

1 manner. Structure does not include a structure incident to the use
2 for agricultural purposes of the land on which the structure is
3 located and does not include works of heavy civil construction
4 ~~including, but not limited to, SUCH AS~~ a highway, bridge, dam,
5 reservoir, lock, mine, harbor, dockside port facility, ~~an~~ airport
6 landing facility, ~~and facilities~~ **OR FACILITY** for the generation, ~~or~~
7 transmission, or distribution of electricity. Structure includes a
8 part or parts of the structure and all equipment in the structure
9 unless the context clearly requires a different meaning.

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