

HOUSE BILL No. 5642

June 10, 2014, Introduced by Reps. Franz, MacMaster, Rendon, Bumstead, Price, Kelly, Zorn and Genetski and referred to the Committee on Agriculture.

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 2013 PA 125.

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) "Agricultural product" means a farm product as defined in
10 section 2 of the Michigan right to farm act, 1981 PA 93, MCL

1 286.472.

2 (c) "Application for a building permit" means an application
3 for a building permit submitted to an enforcing agency pursuant to
4 this act and plans, specifications, surveys, statements, and other
5 material submitted to the enforcing agency together or in
6 connection with the application.

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

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

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

21 (g) "Building" means a combination of materials, whether
22 portable or fixed, forming a structure affording a facility or
23 shelter for use or occupancy by individuals, animals, or property.
24 ~~Building does not include a building, whether temporary or~~
25 ~~permanent, incidental to the use for agricultural purposes of the~~
26 ~~land on which the building is located if it is not used in the~~
27 ~~business of retail trade.~~ Building includes a part or parts of the

1 A building and all equipment in the building unless the context
2 clearly requires a different meaning. **BUILDING DOES NOT INCLUDE ANY**
3 **OF THE FOLLOWING:**

4 (i) A STRUCTURE, WHETHER TEMPORARY OR PERMANENT, THAT IS
5 LOCATED ON LAND USED FOR AGRICULTURAL PURPOSES, THAT IS INCIDENTAL
6 TO THAT USE, AND THAT IS NOT USED IN THE BUSINESS OF RETAIL TRADE.

7 (ii) A BARN THAT IS IN EXISTENCE ON THE EFFECTIVE DATE OF THE
8 AMENDATORY ACT THAT ADDED THIS SUBPARAGRAPH, THAT IS NOT HEATED OR
9 AIR-CONDITIONED, THAT IS LOCATED ON LAND USED FOR AGRICULTURAL
10 PURPOSES, THAT IS OWNED AND OPERATED BY THE OWNER OF THE LAND, AND
11 THAT IS NOT USED FOR ANY BUSINESS PURPOSE OTHER THAN FOR
12 AGRICULTURAL PURPOSES OR SEASONAL PRIVATE EVENTS.

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

16 (i) "Building official" means an individual who is employed by
17 a governmental subdivision and is charged with the administration
18 and enforcement of the code and who is registered in compliance
19 with the building officials and inspectors registration act, 1986
20 PA 54, MCL 338.2301 to 338.2313. This individual may also be an
21 employee of a private organization.

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

24 (k) "Chief elected official" means the chairperson of the
25 county board of commissioners, the city mayor, the village
26 president, or the township supervisor.

27 (l) "Code" means the state construction code provided for in

1 section 4 or a part of that code of limited application and
2 includes a modification of or amendment to the code.

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

5 (n) "Construction" means the construction, erection,
6 reconstruction, alteration, conversion, demolition, repair, moving,
7 or equipping of buildings or structures.

8 (o) "Construction regulation" means a law, act, rule,
9 regulation, or code, general or special, or a compilation thereof,
10 enacted or adopted by this state including a department, board,
11 bureau, commission, or other agency of this state, relating to the
12 design, construction, or use of and the installation of equipment
13 in buildings and structures. Construction regulation does not
14 include a zoning ordinance or rule issued pursuant to a zoning
15 ordinance and related to zoning.

16 (p) "Cost-effective", in reference to section 4(3)(f) and (g),
17 means, using the existing energy efficiency standards and
18 requirements as the base of comparison, the economic benefits of
19 the proposed energy efficiency standards and requirements will
20 exceed the economic costs of the requirements of the proposed rules
21 based upon an incremental multiyear analysis that meets all of the
22 following requirements:

23 (i) Considers the perspective of a typical first-time home
24 buyer.

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

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

1 (iv) Ensures that the buyer of a home who would qualify to
2 purchase the home before the addition of the energy efficient
3 standards will still qualify to purchase the same home after the
4 additional cost of the energy-saving construction features.

5 (v) Ensures that the costs of principal, interest, taxes,
6 insurance, and utilities will not be greater after the inclusion of
7 the proposed cost of the additional energy-saving construction
8 features required by the proposed energy efficiency rules than
9 under the provisions of the existing energy efficiency rules.

10 (q) "Department" means the department of licensing and
11 regulatory affairs.

12 (r) "Director" means the director of the department or an
13 authorized representative of the director.

14 (s) "Energy conservation" means the efficient use of energy by
15 providing building envelopes with high thermal resistance and low
16 air leakage, and the selection of energy efficient mechanical,
17 electrical service, and illumination systems, equipment, devices,
18 or apparatus.

19 (t) "Enforcing agency" means the governmental agency that, in
20 accordance with section 8a or 8b, is responsible for administration
21 and enforcement of the code within a governmental subdivision.
22 However, for the purposes of section 19, enforcing agency means the
23 agency in a governmental unit principally responsible for the
24 administration and enforcement of applicable construction
25 regulations.

26 (u) "Equipment" means plumbing, heating, electrical,
27 ventilating, air conditioning, and refrigerating equipment.

1 (v) "Governmental subdivision" means a county, city, village,
2 or township that, in accordance with section 8a or 8b, has assumed
3 responsibility for administration and enforcement of this act and
4 the code within its jurisdiction.

5 (w) "Mobile home" means a vehicular, portable structure that
6 meets all of the following requirements:

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

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

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

15 (x) "Other laws and ordinances" means other laws and
16 ordinances whether enacted by this state or by a county, city,
17 village, or township and the rules issued under those laws and
18 ordinances.

19 (y) "Owner" means the owner of the freehold of the premises or
20 lesser estate in the premises, a mortgagee or vendee in possession,
21 an assignee of rents, receiver, executor, trustee, or lessee, or
22 any other person, sole proprietorship, partnership, association, or
23 corporation directly or indirectly in control of a building,
24 structure, or real property or his or her duly authorized agent.

25 (z) "Person with disabilities" means an individual whose
26 physical characteristics limit that individual's ability to be
27 self-reliant in the individual's movement throughout and use of the

1 building environment.

2 (aa) "Premanufactured unit" means an assembly of materials or
3 products intended to comprise all or part of a building or
4 structure, and that is assembled at other than the final location
5 of the unit of the building or structure by a repetitive process
6 under circumstances intended to ensure uniformity of quality and
7 material content. Premanufactured unit includes a mobile home.

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

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