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**AIAMI Government Affairs Committee
2019 – 2020 Legislative Session update – 2nd Quarter**

This is the second update on the progress of AIAMI's Government Affairs Committee (GAC) for the State of Michigan's 2019-2020 legislative session. This is being sent out just before our annual Legislative Day in Lansing where we (All of us. Architects along with our engineer and surveyor colleagues) meet with our respective legislators and make, or renew, our relationships with each other. These relationships form the foundation of all that we do in the GAC. Notice how many bills / issues we are following below. There are many. Please join us in Lansing on March 17th, we need your help. **It is not too late to sign up!**

Michigan's legislative periods are two years long so we have now passed the half-way mark. At this point in the process we typically know what bills are getting traction, and what groups are supporting or opposing legislation that affects architects and construction. We also have some idea as to what legislators think about these bills. So we now have a fair understanding as to where to place our efforts. As always, remember that any proposed legislation (bills) that do not get passed by the House and Senate, and signed into law by the end of the two-year session, must start over in another session.

2019 – 2020 Legislative Issues – March 2020

This legislative session we have the following bills / issues to follow and address. Note that it may not be obvious as to why we are supporting or not supporting a bill by its name. Many times a bill is named to seem like what it is not. And sometimes a bill is not supported because while it may be well intended, we do not think it is structured properly.

Below each bill / issue is a very brief description of the bill and some reference to the Government Affairs Committee's (GAC) position. If you have a question about any of this we would suggest that you (1) contact the GAC and ask for the more detail about the bill / issue in question and / or (2) look up the bill in question and read it for yourself. Please note, the language of legislation is not easy, nor sometimes is the politics associated with it. For that reason each bill is assigned champions; one or two people who are dedicated to follow the issue closely and help interpret the issues for the committee and the board. Note also if you are interested in participating in our legislative efforts and / or being a legislative champion please contact the committee. Anyone can be a champion.

SB 54 (2019) & HB 4100 (2019) - Historic Preservation Tax Credits (supporting) - These bills reinstate historic preservation tax credits in Michigan. From 1999 to 2011 the state had a tax credit program that was left to expire without replacement. While the credits proposed in SB 54 and HB 4100 differ from the 1999 to 2011 program we see this as a positive proposal; one we may also look to build on in the future. NOTE – We will be talking to our legislators about this bill on L Day. If your firm does historic work you will want to help make the case for this bill to your legislators. Also this bill will have a public hearing in approximately two weeks. You can join us at the public hearing also, to help make the case why this bill should be law.

Certificate of Merit (supporting) – This is a bill AIAMI has proposed before whereby a design professional cannot have a complaint filed against them without a determination by a third-party, licensed, expert that the suit has merit with respect to the design professional's role. This process is successfully employed with other professionals to limit specious lawsuits. Rep. Shane Hernandez (also a design colleague) has agreed to sponsor this bill. This bill will also be discussed on L Day but seems to be suffering from a lack of bipartisan support. Please come and speak to your legislator about that.

HB 4488 (2019) - Good Moral Character (not supporting - minor changes to become neutral) - This bill is proposed to help people with criminal records to become contributing citizens and professionals in the state. However the language proposed is not sympathetic with the Occupational Code as we have compared them. We (AESLC) have identified the objectionable passage and have offered minor changes. If those changes are accepted we would consider this bill benign. This bill appears to be dormant at the moment.

HB 4495 (2019) - Design-Build K-12 (not supporting) - This bill proposes to allow design-build firms to be considered as such when they simply have an architect on staff. We see this as a conflict with the 2/3 requirements as delineated in Article 20 of the Occupational Code and a work around to having design documents produced by independently responsible and licensed design professionals.

2018 Building Code (not supporting all changes) – The 2018 International Building Code is being considered for adoption here in Michigan. As a part of that process LARA is considering a number of changes to Chapter 1. One of interest is eliminating Article 104.10 Modifications. This section grants the building official the ability to allow buildings to not meet all requirements of the building code due to practical difficulties. It is being argued that the Stille-DeRossett-Hale Single State Construction Code Act – Act 230 of 1972 is redundant with Article 104.10. The GAC does not see it that way as Act 230 calls for a ‘variance’ process complete with a ‘public hearing’ before a ‘board of appeals’. Our concerns include time and the cost of delays, and having a process before people unfamiliar with the building or its condition.

SB 47 (2019) & HB 4069 (2019) – Exempt Solar Panels from Property Tax Assessment (supporting) – This bill was signed into law by our Governor on 14 November 2019.

SB 48 (2019) & HB 4068 (2019) – Exempt Alternative Energy Equipment from Tax Assessment (supporting) – This bill passed out of the Senate on a 36-0 vote and is now in the Ways and Means Committee.

HB 4548 (2019) & SB 294 (2019) – Exempt ‘Viewing Building’ from Heating Requirements (not supporting) – As best as can be understood at this time, this bill is a work around of the building code. Buildings are being proposed on recreation fields without insulation or heating but are to be used for team assembly / dressing purposes. They are then fitted out with space heaters for fall and winter use after the fact. The result is un-insulated buildings with questionable HVAC equipment.

Safe school initiatives for K-12 – In response to the many violent events that have happened in our schools, we have seen legislative efforts both here, and nationally, to improve our schools. But as we know all too well as architects, one person’s improvement, is another’s diminishment. We have much to balance out with respect to designing ‘safer’ schools. A recent correspondence from AIA National said the following, “*AIA began its safer schools initiative to advocate for the federal government to utilize a design-centered approach for mitigating school violence.*” There have also been initiatives here in Michigan in past legislative sessions. We expect more and want to be prepared for that.

It has also been reported to the GAC from the Bureau of Construction Codes that some schools are making seemingly small changes to their schools, without consulting design professionals, that take compliant conditions out of compliance. Door configurations and locking patterns seem to make up the bulk of the changes reported.

HB 4689 which was a bill designed to address some of the locking patterns that had been proposed for our schools was signed into law on 3 March 2020. It has been characterized as “a compromise for a difficult problem that we can live with.”

HB 5009 (2019) – Mass Timber (not supporting) - This bill proposes that Mass Timber “shall be utilized” to construct state owned or operated buildings in the event that “all other things [are] equal.” In general the GAC does not support legislation that picks construction-type winners and losers. We would prefer legislation to deal with the desired outcome of reducing embodied carbon (in this case) rather than prescribing materials. This bill does not seem to be moving quickly but members should know that there will be a ‘Mass Timber Summit’ at MSU on April 20th and 21st that AIAMI will be supporting.

Transportation / Infrastructure funding bill (supporting in general) – This is a spending bill and is a big priority for our engineer colleagues. But it will affect some architects too. Our state’s infrastructure has been under-invested in for years now. That is illustrated by the condition of our roads, but it goes much deeper... literally. And while mostly an engineering issue, some of this infrastructure will also include ‘vertical’ construction and will therefore require an architect.

HB 4691 (2019) – Stormwater Utility (supporting our engineers) – This is an engineering issue that is looking to regulate the creation of stormwater management utilities by local governments.

SB 517 (2019) - Road tolls (supporting our engineers) – This is also an engineering issue that is looking to investigate the feasibility of tolling some of our roads and bridges. It is only a study at this time. This has passed out of the Senate and is in the House Transportation Committee.

SB 40 (2019) - Occupational Licensing (reviewing) - This bill calls for the occupational code to be evaluated from the perspective of being the “least restrictive possible to protect consumers from... harms that threaten public health and safety.” for all licensed professionals. It is clearly a part of the effort to deregulate and de-license some professions. How that will affect architects and engineers is not known right now.

HB 5279 (2019) & SB 685 (2019) - Proj. Mgr. for Schools (not supporting) - These bills propose that for school projects over \$25m a Project Manager shall be used. They also propose that for school projects under \$25m a Project Manager may be used. The GAC is skeptical that adding another bureaucratic layer to the school construction process will result in better or cheaper buildings. We are also concerned about how professional responsibilities will be affected under this proposed arrangement.

HB 5280 (2019) & SB 684 (2019) - Proj. Mgr. for State Bldgs. (not supporting) – The same as HB 5279 & SB 585 except the buildings are State owned, and not schools.

HB 5420 (2020) - 100% Renewable Energy (supporting) – This bill proposed to allow local municipalities to choose their own renewable energy providers. It is being interpreted as a push on large energy providers such as DTE. Interestingly, our lobbying partner MSPS is taking a neutral stance on this bill as they feel that DTE and Consumers Energy, for example, have sufficient enough goals.

HB 5409 (2020) - Adult changing tables (reviewing) – This bill calls for adult changing tables in all new, and renovated buildings (over \$10k), used for assembly / entertainment / exhibition purposes with varying threshold requirements for compliance; starting in 2022 for new construction and 2025 for renovations. A bill similar to this passed in CA in 2015 (AB 662) which calls for changing tables to be installed starting in 2020 for new construction and 2025 for renovations. Nationally a group called the Changing Spaces Campaign is advocating for these across the country. The ICC has this issue on their radar and are looking to develop national standards, but there is no known time-frame for these yet. Michigan's legislators may be ahead of the curve, which could put architects in the funny position of having to design something to meet a standard-less requirement.

These are the many legislative issues we on the GAC are addressing at this time. As always, more can arise at anytime and some can drop away. Please feel free to reach out to the committee to share your thoughts, or offer criticism or support; we work for all of our AIAMI members.

Again, **Legislative Day is Tuesday, 17 March 2020**. I know it is close and technically the sign up date has passed, BUT PLEASE join us in Lansing on that day to help make the case to your legislators that these issues are important. Sign up right now! It is the only day of the year that the GAC asks you to do this but it is critically important to be seen as a united and large group on this day. If you have any questions or concerns, please do not hesitate to reach out. All of the issues will be well documented for you. And if you are a first-time attendee, and possibly nervous, we can pair you with someone who knows the ropes. The key is to get constituents of a lawmaker in the room with that legislator. That makes them listen better.

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