

Legislative Analysis



CREATE THE PUBLIC WORKS QUALITY MATERIALS PROCUREMENT ACT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5723 as introduced
Sponsor: Rep. Lee Chatfield
Committee: Michigan Competitiveness
Complete to 5-22-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5723 would create a new act, the Public Works Quality Materials Procurement Act, to preempt local regulation of materials used in public water supply and wastewater projects.

The proposed act would prohibit a *public entity* from adopting or enforcing an *ordinance* that prohibits, restricts, or limits the evaluation, comparison, or usage of certain pipe and piping materials that meet current American Society for Testing and Materials, American Water Works Association, Great Lakes-Upper Mississippi River Board, American National Standards Institute, NSF International standards, or the performance specifications determined by a professional engineer to be used for a water supply project or wastewater project that is financed in whole or in part by state appropriations for public works projects.

Public entity would mean a school district, community college district, intermediate school district, city, village, township, county, public authority, or public airport authority.

Ordinance would mean an ordinance, resolution, or other appropriate legislative or administrative enactment of the governing body of a public entity, but would not include design or construction specifications developed by a professional engineer in consultation with the public entity that are specific to a particular project.

The provision would not limit the professional judgment of a project's engineer to specify or select any acceptable pipe and piping materials based on the performance requirements for the particular project.

FISCAL IMPACT:

House Bill 5723 would have an unknown fiscal impact on public entities as that term is defined in the bill. It is unknown how many public entity ordinances the provisions of the bill would preempt. Moreover, it is not possible to predict future public entity decisions with respect to pipe and piping material selection. Therefore, any fiscal impact for a public entity would depend on the overall cost differential between the previously required pipe and piping material and any alternative pipe and piping material selected by the local government. Public entities without ordinances specifying pipe and piping material usage would realize no fiscal impact under the provisions of the bill, assuming they review various options for pipe and piping material when executing a project.

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