

HOUSE BILL No. 5723

March 14, 2018, Introduced by Rep. Chatfield and referred to the Committee on Michigan Competitiveness.

A bill to preempt local ordinances regulating, prohibiting, restricting, or mandating the use of certain materials for certain public works projects; and to allow competition for the use or supply of certain materials and products on certain public works projects.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "public works quality materials procurement act".

3 Sec. 2. As used in this act:

4 (a) "Ordinance" means an ordinance, resolution, or other
5 appropriate legislative or administrative enactment of the
6 governing body of a public entity. Ordinance does not include
7 design or construction specifications developed by a professional
8 engineer in consultation with the public entity that are specific

1 to a particular public works project.

2 (b) "Pipe and piping materials" means pipes and piping
3 materials used to transport drinking water and sanitary wastewater.

4 (c) "Public entity" means a school district, community college
5 district, intermediate school district, city, village, township,
6 county, public authority, or public airport authority.

7 (d) "Public funds" means state appropriations for public works
8 projects.

9 (e) "Public works project" means a water supply project or a
10 wastewater project.

11 (f) "Wastewater project" means sanitary sewers, pipe and
12 piping materials, interceptors or waste treatment facilities, and
13 facilities for the collection and disposal of liquid and solid
14 waste.

15 (g) "Water supply project" means pipe and piping materials,
16 lines, and other facilities needed for the pumping, treatment, and
17 distribution of drinking water.

18 Sec. 3. (1) A public entity shall not adopt or enforce an
19 ordinance that prohibits, restricts, or limits the evaluation,
20 comparison, or usage of certain pipe and piping materials that meet
21 current American Society for Testing and Materials, American Water
22 Works Association, Great Lakes-Upper Mississippi River Board,
23 American National Standards Institute, NSF International standards,
24 or the performance specifications determined by a professional
25 engineer to be used for a public works project that is financed in
26 whole or in part by public funds.

27 (2) Subsection (1) does not limit the professional judgment of

- 1 the project's engineer to specify or select any acceptable pipe and
- 2 piping materials based on the performance requirements for the
- 3 particular public works project.