

**SUBSTITUTE FOR
SENATE BILL NO. 157**

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 enactment of the governing body of a public
6 entity. Ordinance does not include design or construction
7 specifications developed by a professional engineer in consultation

1 with the public entity that are specific to a particular public
2 works project.

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

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

8 (d) "Public funds" includes state legislative appropriations
9 and state tax revenue for public works projects.

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

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

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

19 Sec. 3. (1) A public entity shall not adopt or enforce an
20 ordinance that prohibits, restricts, or limits the evaluation,
21 comparison, or usage of certain pipe and piping materials that meet
22 current American Society for Testing and Materials, American Water
23 Works Association, or NSF International standards to be used for a
24 public works project that is financed in whole or in part by public
25 funds.

26 (2) Subsection (1) does not limit the professional judgment of
27 the project's engineer to specify or select any acceptable pipe and

- 1 piping materials based on the performance requirements for the
- 2 particular public works project.