

**SUBSTITUTE FOR
HOUSE BILL NO. 5049**

A bill to prohibit certain public entities from entering into certain contracts with certain entities that remove or abate asbestos; to require certain entities to disclose certain information when bidding on certain contracts with public entities; and to impose certain duties and responsibilities on certain public entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "public entity asbestos removal disclosure act".

3 Sec. 3. As used in this act:

4 (a) "Asbestos" means a group of naturally occurring minerals
5 that separate into fibers, including chrysotile, amosite,
6 crocidolite, anthophyllite, tremolite, and actinolite.



1 (b) "Asbestos abatement contractor" means a business entity
2 that is licensed under the asbestos abatement contractors licensing
3 act, 1986 PA 135, MCL 338.3101 to 338.3319, and that carries on the
4 business of asbestos abatement on the premises of another business
5 entity and not on the asbestos abatement contractor's premises.
6 Asbestos abatement contractor includes an individual or person with
7 an ownership interest in a business entity described in this
8 subdivision.

9 (c) "Asbestos abatement project" means any activity involving
10 persons working directly with the demolition, renovation, or
11 encapsulation of friable asbestos materials.

12 (d) "Public entity" means this state or an agency or authority
13 of this state, school district, community college district,
14 intermediate school district, city, village, township, county, land
15 bank, public authority, or public airport authority.

16 Sec. 5. (1) A public entity shall not enter into an asbestos
17 abatement project with an asbestos abatement contractor, or a
18 general contractor that contracts with an asbestos abatement
19 contractor, for the abatement of asbestos unless the asbestos
20 abatement contractor seeking to bid on the asbestos abatement
21 project, before entering into a contract with the public entity,
22 files an affidavit describing any criminal convictions relating to
23 compliance with environmental laws or regulations and any violation
24 notices of environmental laws or regulations, or whether it has
25 been subject to an administrative order or consent judgment within
26 the immediately preceding 5 years. If the asbestos abatement
27 contractor has a criminal conviction related to compliance with
28 environmental regulations as disclosed by the asbestos abatement
29 contractor, the public entity shall not enter into a contract for



1 an asbestos abatement project with that asbestos abatement
2 contractor.

3 (2) If an asbestos abatement contractor enters into a contract
4 with a public entity for an asbestos abatement project, the
5 asbestos abatement contractor shall not enter into a contract with
6 another asbestos abatement contractor unless that asbestos
7 abatement contractor files an affidavit as described in subsection
8 (1).

