Indemnification bill signed into law as P.A. 468 of 2012

As the 2011-2012 legislative session came to an end, the ACEC of Michigan political affairs team scored another victory in the passage of House Bill 5466. HB 5466 was introduced in March 13, 2012 by Representative Kurt Heise with the goal of making overreaching indemnification clauses void and unenforceable in professional services contracts with public entities.

For years ACEC/Michigan members have been asked by their public clients to sign contracts that require the design professional to assume liability far beyond any degree of actual fault. House Bill 5466 will render such contract language void and unenforceable and establish greater fairness and equity between contracting parties. The bill will greatly diminish the potential for uninsurable risk to the design professional. The bill is applicable to all public entities including the state, cities, villages, townships, counties, school districts, and community and junior colleges. State institutions of higher education were exempt from the bill.

Passage of an indemnification bill was a key legislative priority for the Council in 2012. Many thanks to our lobbyist Melissa Yutzey of Kelley Cawthorne for all of her efforts and to Craig Thompson of Sullivan, Ward, Asher & Patton, P.C. for his legal assistance and testimony at various legislative committees.

Water quality bills will increase the investment in water/sewer infrastructure

A package of water quality bills - strongly supported by ACEC - were signed into law by Governor Snyder at the end of the legislative session. The bills will increase the level of investment in sewage collection and treatment systems and improve water quality in Michigan. The legislation was developed from recommendations presented by the State Water Pollution Control Revolving Fund Advisory Committee created by legislation passed in 2010. Ron Brenke, ACEC/Michigan Executive Director, served on the Advisory Committee.

The new legislation will authorize the use of money from the Strategic Water Quality Initiatives Fund (SWQIF) for grants and loans to municipalities for sewage collection and treatment systems, and grants and loans for wetland mitigation banks. Construction activities related to sewage treatment works, stormwater treatment, and nonpoint source projects are among the activities eligible for a low-interest loan through the Strategic Water Quality Initiatives Loan Program, when identified through an asset management program or stormwater project plan designed to protect water quality.

The bills will require the Department of Treasury to transfer a greater portion of money from the sale of Great Lakes Water Quality Bonds (GLWQB) to the SWQIF. Unlike the State Revolving Fund (SRF), the SWQIF does not include Federal dollars and therefore loans to municipalities will not include many of the Federal requirements associated with loans from the SRF. ACEC will be working in concert with MDEQ to develop the guidelines and procedures for the new grant and loan program.
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**2013 State & National Legislative Days:**

- **March 13, 2013**
  - Christman Building
  - Lansing, MI

- **April 22-24, 2013**
  - Grand Hyatt
  - Washington D.C.

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