

SENATE BILL No. 109

February 6, 2001, Introduced by Senators JOHNSON, HAMMERSTROM, DUNASKISS, GOUGEON, SHUGARS, NORTH and BULLARD and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1964 PA 170, entitled

"An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts,"

(MCL 691.1401 to 691.1415) by adding section 16.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16. A POLITICAL SUBDIVISION IS IMMUNE FROM CIVIL
2 LIABILITY FOR NONECONOMIC DAMAGES CAUSED AS THE RESULT OF THE
3 BACKUP OF A SEWER SYSTEM BUILT, OPERATED, MAINTAINED, OR
4 REPAIRED, OR OTHERWISE UNDER THE JURISDICTION OF, THE POLITICAL

1 SUBDIVISION IF THE POLITICAL SUBDIVISION IS IN FULL COMPLIANCE
2 WITH AN ORDER, PERMIT, OR OTHER DOCUMENT WITH AN ENFORCEABLE
3 SCHEDULE FOR ADDRESSING THE POLITICAL SUBDIVISION'S
4 SEWAGE-RELATED WATER POLLUTION PROBLEMS THAT WAS ISSUED BY THE
5 DEPARTMENT OF ENVIRONMENTAL QUALITY OR ENTERED INTO AS PART OF AN
6 ACTION BROUGHT BY THE STATE AGAINST THE POLITICAL SUBDIVISION.