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HOUSE FISCAL AGENCY

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SB109 AS PASSED BY THE SENATE

Sponsor: Sen. Shirley Johnson

S-1

Committee: CONSERVATION AND OUTDOOR
RECREATION

Analyst(s): Risko, Robin

Completed: 11/27/01

State Fiscal Impact

Cost: None
Revenues: None

Local Fiscal Impact

Cost: Indeterminate/Increase
Revenues: None

Senate Bill 109 would amend the Governmental Immunity Act, 1964 PA 170, to grant a political subdivision immunity from civil liability for noneconomic damages caused as a result of the backup of a sewer system built, operated, maintained, or repaired, or otherwise under the jurisdiction of the political subdivision. The political subdivision would be granted immunity under either of the following circumstances:

- A) The political subdivision is in full compliance with an order, permit, or other document issued by the Department of Environmental Quality, or entered into as part of an action brought by the state against the political subdivision, which contains an enforceable schedule for addressing the sewage-related water pollution problems.
- B) The political subdivision is not subject to an order, permit, or other document with an enforceable schedule for addressing the sewage-related water pollution problems, but does meet all of the following criteria: was properly operating and maintaining the sewer system at the time of the backup; backup of the sewer system was the first backup experienced by the sewer system; and, following the backup of the sewer system, the political subdivision entered into an order, permit, or other document with an enforceable schedule for addressing the sewer-related water pollution problems.

Senate Bill 109 would have an indeterminate fiscal impact on local units of government. The fiscal impact would depend on the extent to which the bill would prevent the payment of noneconomic damages.