

## NEGLIGENCE LAW SECTION

Respectfully submits the following position on:

\*

HB 5282

\*

The Negligence Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Negligence Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Negligence Law Section is 1,870.

The position was adopted after a discussion and vote at a scheduled meeting. The number of members in the decision-making body is 15. The number who voted in favor to this position was 9. The number who voted opposed to this position was 0.

## Report on Public Policy Position

**Name of section:**

Negligence Law Section

**Contact person:**

Todd Tennis

**E-Mail:**

[ttennis@capitolervices.org](mailto:ttennis@capitolervices.org)

**Bill Number:**

[HB 5282](#) (Webber) Drains; sewers; liability for overflow or backups; specify rainfall levels and what constitutes a defect. Amends secs. 16, 17 & 19 of [1964 PA 170](#) (MCL [691.1416](#) et seq.).

**Date position was adopted:**

November 30, 2016

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting.

**Number of members in the decision-making body:**

15

**Number who voted in favor and opposed to the position:**

9 Voted for position

0 Voted against position

0 Abstained from vote

6 Did not vote (absent)

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

This is an unfair expansion of governmental immunity that will arbitrarily bar victims of sewer overflows from receiving compensation for damages caused by negligence.

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.**

<http://legislature.mi.gov/doc.aspx?2016-HB-5282>