

# HOUSE BILL No. 5317

October 16, 2007, Introduced by Reps. Byrum, Nitz, Opsommer, Ball, Moss, Pavlov, Agema, Marleau and Meekhof and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding section 20126b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 20126B. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
2 PART, A LOCAL UNIT OF GOVERNMENT MAY RECOVER FROM EITHER OF THE  
3 FOLLOWING THE COSTS IT INCURRED IN PROVIDING POLICE, FIRE, AND  
4 OTHER EMERGENCY SERVICES IN RESPONDING TO A RELEASE OR THREAT OF  
5 RELEASE:

6           (A) A PERSON WHO IS LIABLE UNDER SECTION 20126 FOR AN ACTIVITY  
7 RESULTING IN THE NEED FOR THE EMERGENCY SERVICES.

8           (B) THE OWNER OR OPERATOR OF THE LAND OR BUILDINGS WHERE THE  
9 EMERGENCY SERVICES WERE PROVIDED.

10           (2) ALL PERSONS LIABLE TO A LOCAL UNIT OF GOVERNMENT UNDER

1 SUBSECTION (1) FOR THE COSTS OF PROVIDING EMERGENCY SERVICES ARE  
2 JOINTLY AND SEVERALLY LIABLE FOR THE PAYMENT OF THOSE COSTS.

3 (3) A LOCAL UNIT OF GOVERNMENT MAY ADOPT OR ENFORCE AN  
4 ORDINANCE TO IMPLEMENT THIS SECTION.

5 (4) THIS SECTION PROVIDES AUTHORITY TO A LOCAL UNIT OF  
6 GOVERNMENT THAT IS IN ADDITION TO AUTHORITY OTHERWISE PROVIDED BY  
7 LAW. THIS SECTION DOES NOT PREEMPT OR IMPAIR A LOCAL UNIT OF  
8 GOVERNMENT'S EXERCISE OF THE AUTHORITY GRANTED UNDER SECTION 6A OF  
9 1951 PA 33, MCL 41.806A, WHICH INCLUDES, BUT IS NOT LIMITED TO, THE  
10 COLLECTION OF FEES FOR RESPONDING TO OR PROVIDING EMERGENCY  
11 SERVICES RELATED TO A RELEASE OR THREAT OF RELEASE.