

Legislative Analysis



LOCAL COST RECOVERY FOR ENVIRONMENTAL CLEAN-UPS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5317

Sponsor: Rep. Barb Byrum

Committee: Intergovernmental, Urban, and Regional Affairs

Complete to 11-6-07

A SUMMARY OF HOUSE BILL 5317 AS INTRODUCED 10-16-07

House Bill 5317 would amend the Natural Resources and Environmental Protection Act (MCL 324.90106) to allow local units of government to recover the cost of environmental clean-ups, under certain circumstances.

The bill specifies that a local unit of government could recover the costs it incurred in providing police, fire, and other emergency services in responding to a release or threat of release from either of the following:

- A person who is liable under Section 20126 (which concerns response activity costs, liability, and burden of proof) for an activity resulting in the need for the emergency services.
- The owner or operator of the land or buildings where the emergency services were provided.

Those who would be liable to a local unit of government for emergency services costs would be jointly and severally liable for payment.

The bill specifies that a local unit of government could adopt or enforce an ordinance to implement this section of the act. Further, it specifies that this section would provide authority to a local unit of government that was in addition to authority otherwise provided by law. The section would not preempt or impair a local unit of government's exercise of the authority granted under Section 6a of Public Act 33 of 1951, which includes the collection of fees for responding to or providing emergency services related to a release or threat of release of hazardous materials.

FISCAL IMPACT:

This bill would provide opportunities for local governments to recover costs of responding to environmental contamination events from liable parties. Actual revenue increases would depend on the expenses incurred and the ability of the liable party to comply. There would be no fiscal impact on the state.

Legislative Analyst: J. Hunault

Fiscal Analyst: Kirk Lindquist

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