



HOUSE BILL No. 5418

February 22, 2000, Introduced by Reps. DeVuyst, Kilpatrick, Bogardus, Richardville, Kowall, Garza, Ehardt, Pappageorge, Martinez, Scranton, Tabor, Green, Howell, Law, Bradstreet, Mans and Hager and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 20140 (MCL 324.20140), as amended by 1995
PA 71.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20140. (1) Except as provided in subsection (2), the
2 limitation period for filing actions under this part is as
3 follows:

4 (a) For the recovery of response activity costs and natural
5 resources damages pursuant to section 20126a(1)(a), (b), or (c),
6 within 6 years of initiation of physical on-site construction
7 activities for the remedial action selected or approved by the
8 department at a facility, except as provided in subdivision (b).

9 (b) For 1 or more subsequent actions for recovery of
10 response activity costs pursuant to section 20126, at any time

1 during the response activity, if commenced not later than 3 years
2 after the date of completion of all response activity at the
3 facility.

4 (c) For civil fines under this part, within 3 years after
5 discovery of the violation for which the civil fines are
6 assessed.

7 (2) For recovery of response activity costs and natural
8 resources damages that accrued prior to July 1, 1991, the limita-
9 tion period for filing actions under this part is July 1, 1994.

10 (3) FOR PURPOSES OF SUBSECTION (2), A CLAIM DOES NOT ACCRUE
11 UNTIL THE TIME IN WHICH THE PLAINTIFF HAS INCURRED RESPONSE
12 ACTIVITY COSTS.

13 (4) SUBSECTION (3) IS CURATIVE AND INTENDED TO CLARIFY THE
14 ORIGINAL INTENT OF THE LEGISLATURE AND APPLIES RETROACTIVELY.