

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

PART 18

UNIFORM TRANSBOUNDARY POLLUTION RECIPROCAL ACCESS

324.1801 "Reciprocating jurisdiction" defined.

Sec. 1801. As used in this part:

(a) "Reciprocating jurisdiction" means a state of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States of America that has enacted a law identical to this part or provides access to its courts and administrative agencies that is substantially equivalent to the access provided in this part.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.1802 Action or other proceeding for injury caused by pollution.

Sec. 1802. An action or other proceeding for injury or threatened injury to property or person in a reciprocating jurisdiction caused by pollution originating, or that may originate, in this state may be brought in this state.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.1803 Injury caused by pollution in reciprocating jurisdiction; rights to relief.

Sec. 1803. A person who suffers, or is threatened with, injury to his or her person or property in a reciprocating jurisdiction caused by pollution originating, or that may originate, in this state has the same rights to relief with respect to the injury or threatened injury, and may enforce those rights in this state as if the injury or threatened injury occurred in this state.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.1804 Applicable law.

Sec. 1804. The law to be applied in an action or other proceeding brought pursuant to this part, including what constitutes "pollution," is the law of this state, excluding choice of law rules.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.1805 Superior rights not accorded.

Sec. 1805. This part does not accord a person injured or threatened with injury in a jurisdiction outside of this state any rights superior to those that the person would have if injured or threatened with injury in this state.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.1806 Additional right provided.

Sec. 1806. Any right provided in this part is in addition to and not in derogation of any other rights.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.1807 Defense of sovereign immunity.

Sec. 1807. The defense of sovereign immunity is applicable in any action or other proceeding brought pursuant to this part only to the extent that it would apply to a person injured or threatened with injury in this state.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.1808 Application and construction of part.

Sec. 1808. This part shall be applied and construed to carry out its general purpose to make uniform the law with respect to the subject of this part among jurisdictions enacting it.

History: Add. 1995, Act 60, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA