

SENATE BILL No. 346

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-23-13-7.5; IC 13-30-9-2.5;
IC 34-11-2-11.5.

Synopsis: Environmental legal action statute of limitations. Specifies the statute of limitations for an environmental legal action and an action for a contribution to pay for corrective action related to a release from an underground storage tank.

Effective: Upon passage.

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January 11, 2011, read first time and referred to Committee on Energy and Environmental Affairs.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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SENATE BILL No. 346



A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-23-13-7.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. IC 34-11-2-11.5 applies**
4 **to an action brought under section 8(b) of this chapter.**

5 SECTION 2. IC 13-30-9-2.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: **Sec. 2.5. IC 34-11-2-11.5 applies to an**
8 **environmental legal action brought under section 2 of this chapter.**

9 SECTION 3. IC 34-11-2-11.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) Subject to**
12 **subsections (b) and (c), any person, including a governmental**
13 **entity, may seek to recover the following in an action brought on**
14 **or after the effective date of this section under IC 13-30-9-2 or**
15 **IC 13-23-13-8(b) to recover costs incurred for a removal action, a**
16 **remedial action, or a corrective action:**

17 (1) **The costs incurred not more than ten (10) years before the**



1 **date the action is brought, even if the person or any other**
2 **person also incurred costs more than ten (10) years before the**
3 **date the action is brought.**
4 **(2) The costs incurred on or after the date the action is**
5 **brought.**
6 **(b) Costs are eligible for recovery under subsection (a)**
7 **regardless of whether any part of the costs is incurred before the**
8 **effective date of this section.**
9 **(c) This section does not permit a person to revive an action**
10 **brought under IC 13-30-9-2 or IC 13-23-13-8(b) that was finally**
11 **adjudicated against the person before the effective date of this**
12 **section.**
13 **SECTION 4. An emergency is declared for this act.**

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