HOUSE BILL NO. 1084
(As Passed the House)

AN ACT TO PROVIDE IMMUNITY TO CERTAIN PERSONS SEEKING TO
REMITRATE PROPERTY ON SITES THAT ARE ON THE NATIONAL PRIORITIES
LIST OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR THAT
ARE PROPOSED TO BE ON THE LIST OR THAT ARE ELIGIBLE TO BE ON THE
LIST; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. For purposes of this act, the following words and
phrases shall have the meanings ascribed in this section, unless
the context clearly indicates otherwise:

(a) "NPL property subject to restoration" means any
property on a site that is (i) proposed by the United States
Environmental Protection Agency for the National Priorities List
(NPL) but not listed on the NPL; or (ii) listed on the NPL, except
those NPL sites for which the United States Environmental
Protection Agency has issued certificates of completion of the
remediation set forth in the records of decision for those sites.

(b) "Bona fide prospective purchaser" means a person
who acquires ownership of a facility located on NPL property
subject to restoration and who establishes the criteria set forth
in 42 USCS Section 9601(40).

(c) "Owner of NPL property subject to restoration"
means a person who has purchased or otherwise is the owner of
record, other than any person or entity who caused the
contamination, of NPL property subject to restoration.

SECTION 2. (1) If a person who is a bona fide prospective
purchaser or owner, other than any person or entity who caused the
contamination, of NPL property subject to restoration complies
with all requirements of the United States Environmental
Protection Agency, or state or federal law, which may be imposed with regard to the property, then he shall not be liable to persons other than the United States or the state for contamination or remediation of the NPL property subject to restoration.

(2) The immunity provided under this section applies to the following persons to the same extent as to the bona fide prospective purchaser or owner, other than any person or entity who caused the contamination, of the NPL property subject to restoration:

(a) Any person under the direction or control of the bona fide prospective purchaser or owner, other than any person or entity who caused the contamination, of NPL property subject to restoration with regard to the remediation or redevelopment of the NPL property subject to restoration, except that such person shall not be immune from any liability which may result from remediating or cleaning the NPL property subject to restoration when he remediates or cleans the property improperly or insufficiently or without complying with any order, rule or regulation of the United States Environmental Protection Agency or Department of Environmental Quality or any state or federal law pertaining to the environment;

(b) Any future owner, other than any person or entity who caused the contamination, of the NPL property subject to restoration;

(c) Any person who develops, redevelops or lawfully occupies the NPL property subject to restoration;

(d) Any lender or fiduciary that provided financing for remediation or redevelopment of the NPL property subject to restoration; and

(e) Any successor or assign of a person to whom the immunity granted under this section applies.
(3) The immunity provided under this section shall be void if a person to whom it is granted fails to comply with any order, rule or regulation of the United States Environmental Protection Agency or the Department of Environmental Quality pertaining to the NPL property subject to restoration, or any state or federal law pertaining to the environment.

(4) This section shall not create a defense against the imposition of criminal, civil or administrative penalties for violations of law on the part of the person to whom the immunity is provided. Further, this section shall not affect the right of any person alleged to have suffered damages in connection with the NPL property subject to restoration to seek relief against a person other than those described in this section as protected by the immunity.

(5) The immunity granted under this section shall not relieve any person from liability for payment of all costs reasonably related to the remediation of the NPL property subject to restoration which are required by the United States Environmental Protection Agency and the Department of Environmental Quality.

SECTION 3. This act shall take effect and be in force from and after its passage.