

SENATE BILL No. 158

DIGEST OF SB 158 (Updated January 20, 1998 4:14 pm - DI 87)

Citations Affected: IC 13-23.

Synopsis: Underground storage tank grant program. Allows the Indiana development finance authority to use money in the underground storage tank guaranty fund to award grants to underground storage tank owners and operators to assist in the closure or removal of underground storage tanks. Establishes procedures and requirements for underground storage tank owners and operators to receive grants from the fund. Requires the Indiana department of environmental management to provide a written report on the financial condition and operation of the underground petroleum storage tank trust fund at each meeting of the underground storage tank financial assurance board.

Effective: July 1, 1998.

Gard

January 6, 1998, read first time and referred to Committee on Governmental and Regulatory Affairs.

January 15, 1998, reported favorably — Do Pass.

January 20, 1998, read second time, amended, ordered engrossed.

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Reprinted
January 21, 1998

Second Regular Session 110th General Assembly (1998)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 158

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

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

1 SECTION 1. IC 13-23-10-1, AS ADDED BY P.L.1-1996,
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 1. The underground storage tank guaranty fund is
4 established as a reserve fund to be used to do any of the following:

- 5 (1) Guarantee loans as described in section 6 of this chapter.
- 6 (2) Carry out the loan guaranty program.
- 7 **(3) Award grants as described in section 10 of this chapter.**
- 8 **(4) Carry out the grant program.**

9 SECTION 2. IC 13-23-10-3, AS ADDED BY P.L.1-1996,
10 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 1998]: Sec. 3. (a) The fund shall be charged with the expenses
12 of the authority attributable and allocated to the underground storage
13 tank loan guaranty program **and the underground storage tank grant**
14 **program**, including interest and principal payments required by loan
15 defaults under the guaranty program.

16 (b) The fund shall be credited with the income of the authority
17 attributable and allocated to the guaranty program, including guarantee

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1 premiums.

2 SECTION 3. IC 13-23-10-7, AS ADDED BY P.L.1-1996,
3 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 1998]: Sec. 7. When considering applications **for loan**
5 **guaranties** under this chapter, the authority shall give priority to an
6 application:

- 7 (1) involving an underground petroleum storage tank that poses
8 an immediate threat to the environment; and
9 (2) from an owner or operator unable to obtain financing for a
10 tank upgrade without a subsidy under this chapter.

11 SECTION 4. IC 13-23-10-10 IS ADDED TO THE INDIANA
12 CODE AS A NEW SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 1998]: **Sec. 10. (a) The authority may use**
14 **money in the fund to award grants to owners and operators to**
15 **assist in the closure or removal of underground storage tanks.**

16 **(b) An owner or operator may receive a grant from the fund if**
17 **the owner or operator meets the following requirements:**

- 18 (1) **The owner or operator submits an application for a grant**
19 **to the authority on a form provided by the authority.**
20 (2) **The owner or operator owns or operates not more than**
21 **twelve (12) underground storage tanks.**
22 (3) **The owner or operator:**
23 (A) **had an adjusted gross income of less than fifty**
24 **thousand dollars (\$50,000) per year for the five (5) years**
25 **immediately preceding the year the owner or operator**
26 **submits an application for a grant; or**
27 (B) **is a nonprofit corporation.**
28 (4) **The owner or operator has complied with the following:**
29 (A) **This article or IC 13-7-20 (before its repeal).**
30 (B) **Rules adopted under this article or IC 13-7-20 (before**
31 **its repeal).**
32 (C) **42 U.S.C. 6991 through 6991i.**
33 (D) **Regulations adopted under 42 U.S.C. 6991 through**
34 **6991i.**
35 (5) **The owner or operator has paid all registration fees that**
36 **are required under IC 13-23-12.**
37 (6) **The owner or operator verifies that the:**
38 (A) **grant will be used to close or remove an underground**
39 **storage tank and will not be used to upgrade an**
40 **underground storage tank; and**
41 (B) **owner or operator will not be involved in the**
42 **distribution of motor fuels after the underground storage**



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- 1 **tank is closed or removed.**
 2 **(7) The owner or operator submits any other information as**
 3 **required by the authority.**
 4 **(c) The authority shall consider applications submitted under**
 5 **this section in the order the applications are received.**
 6 **(d) The authority, department, and underground storage tank**
 7 **financial assurance board shall develop guidelines for awarding**
 8 **grants under this section.**
 9 SECTION 5. IC 13-23-11-7, AS AMENDED BY P.L.253-1997(ss),
 10 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 1998]: Sec. 7. (a) The board shall do the following:
 12 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to carry
 13 out the duties of the board under this article.
 14 (2) Take testimony and receive a written report at every meeting
 15 of the board from the commissioner or the commissioner's
 16 designee regarding the financial condition and operation of the
 17 excess liability trust fund including:
 18 (A) a detailed breakdown of contractual and administrative
 19 expenses the department is claiming from the excess liability
 20 trust fund under IC 13-23-7-1(5); and
 21 (B) a claims statistics report consisting of the status and value
 22 of each claim submitted to the fund and claims payments made
 23 under IC 13-23-8-1.
 24 The testimony and written report under this subdivision shall be
 25 provided at every meeting of the board. However, the testimony
 26 and written report are not required more than one (1) time during
 27 any thirty (30) day period.
 28 ~~(2)~~ **(3) Consult with the department on administration of the**
 29 **underground petroleum storage tank excess liability trust fund**
 30 **established by IC 13-23-7-1 in developing uniform policies and**
 31 **procedures for revenue collection and claims administration of the**
 32 **fund.**
 33 (b) The department shall consult with the board on administration
 34 of the underground petroleum storage tank excess liability trust fund.
 35 The consultation must include evaluation of alternative means of
 36 administering the fund in a cost effective and efficient manner.
 37 **(c) At each meeting of the board, the department shall provide**
 38 **the board with a written report on the financial condition and**
 39 **operation of the underground petroleum storage tank trust fund**
 40 **established under IC 13-23-6-1.**



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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill 158, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 158 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 158 be amended to read as follows:

Page 3, after line 8, begin a new paragraph and insert:

"SECTION 5. IC 13-23-11-7, AS AMENDED BY P.L.253-1997(ss), SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) The board shall do the following:

- (1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to carry out the duties of the board under this article.
- (2) Take testimony and receive a written report at every meeting of the board from the commissioner or the commissioner's designee regarding the financial condition and operation of the excess liability trust fund including:
 - (A) a detailed breakdown of contractual and administrative expenses the department is claiming from the excess liability trust fund under IC 13-23-7-1(5); and
 - (B) a claims statistics report consisting of the status and value of each claim submitted to the fund and claims payments made under IC 13-23-8-1.

The testimony and written report under this subdivision shall be provided at every meeting of the board. However, the testimony and written report are not required more than one (1) time during any thirty (30) day period.

(2) (3) Consult with the department on administration of the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1 in developing uniform policies and procedures for revenue collection and claims administration of the fund.

(b) The department shall consult with the board on administration of the underground petroleum storage tank excess liability trust fund. The consultation must include evaluation of alternative means of administering the fund in a cost effective and efficient manner.

(c) At each meeting of the board, the department shall provide the board with a written report on the financial condition and operation of the underground petroleum storage tank trust fund established under IC 13-23-6-1."

(Reference is to Senate Bill 158 as printed January 16, 1998.)

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