

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 347 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 13-23-3-5 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2011]: **Sec. 5. (a) The department shall establish a training
6 program:**
7 **(1) on an Internet web site; and**
8 **(2) that complies with the requirements of the federal Energy
9 Policy Act of 2005 (P.L.109-58).**
10 **(b) The department may use the excess liability trust fund to pay
11 expenses related to the training program established under
12 subsection (a)."**
13 Page 2, line 6, delete "for the expenses of" and insert "**expenses
14 incurred by**".
15 Page 2, line 7, delete "to establish and implement" and insert "**in
16 establishing and implementing**".
17 Page 2, line 14, strike "ten" and insert "**eleven**".
18 Page 2, line 15, strike "(10%)" and insert "**(11%)**".
19 Page 4, line 7, delete "(h)" and insert "**(i)**".
20 Page 4, line 19, delete "those costs" and insert "**the reasonable
21 costs of a corrective action, including investigation,**".
22 Page 4, line 21, after "occurred." insert "**For purposes of this
23 subsection, reasonable costs of a corrective action are subject to the
24 rules adopted by the underground storage tank financial assurance
25 board that relate to reimbursement issued by the excess liability
26 trust fund.**".
27 Page 4, line 26, delete "Before a person:" and insert "**As soon as
28 practicable after the discovery of a storage tank, a person who:**".
29 Page 4, line 27, delete "significant".
30 Page 4, line 31, delete "the person must" and insert "**shall**".

- 1 Page 5, line 3, delete "time frames for" and insert "**reasonable time**
- 2 **frames to complete an**".
- 3 Page 5, line 4, delete "for".
- 4 Page 5, between lines 8 and 9, begin a new paragraph and insert:
- 5 "**(g) If a person who provides a notice under subsection (f)(1)**
- 6 **rejects a written offer or agreement that satisfies the provisions of**
- 7 **subsection (f)(2), the person who submitted the written offer or**
- 8 **agreement is entitled to seek a court order that limits the recovery**
- 9 **of any attorney's fees, investigation costs, and corrective action**
- 10 **costs incurred after the date of the written offer or agreement.**".
- 11 Page 5, line 9, delete "(g)" and insert "**(h)**".
- 12 Page 5, line 22, delete "(h)" and insert "**(i)**".
- 13 Page 5, line 32, delete "(g)." and insert "**(h)**".
- 14 Page 5, line 35, delete "(i)" and insert "**(j)**".
- 15 Page 5, line 38, delete "(j)" and insert "**(k)**".
- 16 Page 5, line 42, delete "(k)" and insert "**(l)**".
- 17 Renumber all SECTIONS consecutively.
(Reference is to SB 347 as printed February 16, 2011.)

Senator GARD